H Collections.

App. F. IX-4

1938. (Legis.)

File No. 21/37.

Serial Nos.

Previous References
5 91-29/11, 149/57
33-34/1-27

Letter References

PRESERVED

196

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. one only

Part A for March, 1939.

SUBJECT.

Promulgation into Laws of the Bills to amend the City Municipalities and Town Municipalities Acts.

8(1) To The Compiler, Laws
No. P 4653 Dated 10.2.1938.

WD 0295—GPB—22,500—13-8-37

Ordered that the above acts be published as Acts No. III and No. IV of 1938. in the Mauritius Gazette

ingu Nagee
3

Serial No.

From the President, city municipal council, Madurai
No. G.P. /2038 of 30/11/35
Submits a copy of the resolution of the municipal council protesting against the posting of Dr. S. Sethaphie Rao as Health Officer without consulting them

---

Subd for orders. Kind reference is invited to orders at paras 4 to 12 on the P.H. file 32-35 in which the transfer was ordered. In para 23 of the Municipalities Act (Act V) 1920 the municipality can either appoint or remove a Health Officer with the sanction of Govt

5/12/35

Gen: Secy 2) Was there a protest from Mdu sometime ago? What was done on it? Mdu I/12 4/12

3) Subd with the P.H. file 33-36 about subject referred to above. The municipal President was informed that the transfer of Mr T. Chidambaranathaya was not with

WD 03591—GPB—30,000—18-7-35

Protection against municipal council
like transfer other Health Officer.

File No. P 46 32 1806 of 193 5 — General and Revenue Secretariat

to the municipal council by an oversight
& that there was no intention to go behind
the Govt promise to inform them of transfers.

Minute file
C.M.
14 DEC. 1935
672
GENERAL

13/12/35

Gen: Secy)

*) The letter from the President of the City Mu
cl Corpn dated 30/11/35 is for perusal.
The Municipality may perhaps be informed
that these transfers have to be made
with the least possible delay and that
consultation wd mean loss of time and
that there is no intention to interfere
with the rights of the Council and that
in no circs the protest be withdrawn.
Some arrangement is required by which
these transfers can be made by Govt
without giving rise to protests on the score
of rights being infringed

5/
I do not think
that any reply
is necessary.
MLL
1/
26/

6/
May be exd.
MLL
26/12/35
1/
26/

MD
20/12

Dy
23/12

4988
23/12

Chief Secy

Secy. Member

Interest of the Empire in any immediate
Council against the transfer of its Health Ho

General and Revenue Secretariat

File No. P.I. 32 of 1935. [Appx. F. III—2

Serial No.

5

Subd. In regard to para b, action has ~~to be~~ to be taken in the L. S. G. Branch. As no further action is required on the papers in this branch, this file will be closed & then referred to L.S.G. Branch for necessary further action regarding orders at para 6 thereof after notes by us.

3/1/36 C.B. 3/1/36

Yes 3/1/36

Recd 4/1/36 L. S. G. Br)

b Subd for kind perusal

The subject has been noted down as one to be brought up at the next meeting of the Standing Committee for L. S. G. etc. The previous files bearing on the subject have been obtained & placed below. A note will be prepared & submitted shortly

for 11/1/36

There was another file in which a note re legal aspect of the question was put up by the Attorney, Lawsons. Not necessary to put up.

The same question was asked by Mr

—Contn Sheet.

WD 03594—GPB—30,000—13-7-35

examined & a draft rule put up, in connection with the order passed appointing an Amedar as the Manager of the Bangalore City Police. The file may be put up for reply

153-35 (1)

put up

Hon 13/1

The file are put up along with a note on the subject in the linked file

9 on 12/1/36

10 The legal aspect of the matter was examined by the Asst Secy, Law Dept, last year also, as directed by the Chief Secy, and a note was put up by the Asst to whom orders were passed and the connected file may be put up for reply

put up for reply pl Le & R. 8/1/37

Hon 8/2

11 The connected file is not readily traceable

12 A note on the subject is put up in the linked file.

very peculiar circumstances

Hon 12/2

13 The decision of the Standing Committee may be awaited

Hon 18/2

Opinion of Standing Committee on Local Self Government.

14 Government should have wider powers in transferring Health and Engineering Officers from and to Municipalities, as these officers are lent from Government Departments and adjustments may become necessary as between several departments to which officers are lent and withdrawal

General and Revenue Secretariat. | File No. | of 192

Serial No.

may have to be made without waiting for resolutions of municipalities.

Submitted for perusal

15 The Second Number was placed today at the meeting of the Standing Committee that the feasibility of framing a rule for the purpose under the City Metics Regn may be examined and that no such rule can be framed the Regulation is to be amended.

16 The Law Section may be consulted as to whether it is possible to frame a rule under Section 228 (2) (e) read with Sec 49 (b) (ii) of the Regulation.

Chiefsecy) 17/3

17 18.3.36

Lawsecy) 18/3

18

There seems no objection to frame a rule under sec 228 (2)(e) read with sec 49(b)(ii) of the City Mc. Regn?

TSD 20/3. 19 The scope of sections 234 and 223 of the City Mc. Regn. has been discussed by me in another file bearing Dis. No. 708/L in September 1936. That file may kindly be traced

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE.

General and Revenue Secretariat,

No. G.6646/P.H. 32-35-14 *Dated Bangalore, the* 25th February 193
26th

4040

~~OFFICIAL MEMORANDUM.~~

NOTIFICATION.

The following transfers of Officers of the Public Health Department are ordered in the interests of public service.

No.	Name	From	To
1.	Mr.T.Shamirasekharaiya	Health Officer, Bangalore City.	Officer in charge of the Health Training Centre at Closepet.
2.	Mr.M.[illegible]	Health Officer, Shimoga.	Health Officer, Bangalore City.
3.	[illegible].G.N.Seshadri	Health Office on leave.	alth Officer, Shimoga.
4.	[illegible].M.Ramachandra Rao	Central Office.	Health Officer, Kolar Gold Fields.
5.	Mr.A.N.Venkatachalam	Health Officer, Kolar Gold Fields.	Central Office.

Posting of Mr. Dominick as Health officer, Bangalore

General and Revenue Secretariat | File No. 203 of 1935. | [App. F. III—2 (1

From

The Hon. President, Bangalore City Municipality.

D.O. No. 4.3.1936.

Stating that the feeling of the Councillors about the transfer of Mr. Chandrasekharan and posting of Mr. Dominick seems to be very high and that the Govt. Order, therefore, be kept in abeyance and procedure may be followed as per Regulation

T

27/ The file - P.H 32-35 - relating to the transfer of Health Officers is put up.

27/ With reference to the observation at A above, it is noted that the Municipal Council were informed, in this Office letter no 6372 dt 14-2-36 to the Chief Conl, of the Govt's proposal to transfer Mr Chandrasekharaiya & post

U.

NOTE—Contn Sheet.

WD 03594—GPB—30,000—18-7-35

Mr Dominick to the Mtg. If the latter Officer was not wanted, there was ample time for the Mtee to intimate the same to Govt before issue of orders viz 25.2.1936. It is not therefore clear what the grievance of the Mtee Councillors is.

2(d) As regards previous consultation with the Muni Council before making an appointment of Health Officer under Sec 78(1) of the City Police Regn, reference is invited to this Office letter No L.102 - Mtee 2-29-96 dt 3.7.1930 stating that changes in the personnel of such Officers would be made after informing the Muni Council. This formality has been observed in the present case as noted above.

3) The President states that as the Councillors are against the posting of Mr Dominick, he has not placed the order of Govt before the Mtee to avoid unnecessary agitation. I suggest that the order be kept in abeyance & the procedure followed as per Regulation.

For orders.

Chief Secy.

OFFICE OF THE SECOND MEMBER OF COUNCIL
5 MAR 1936
No 6811

The question of issue of a rule under the Regn of Govt to make such [illegible] provisional, pending receipt of papers from the Mtee, is to be placed before the Standing for 6/3, at their meeting on the 9th instant. A copy of note prepared at the above is placed below

2) 2nd Issue

4) Mr 5/3

5) Mr 5/3

6) We

7) A draft reply may be

Posting of Mr. Dominick as Health officer Bangalore city- 16

General & Revenue Secretariat. | File No. | of 193

Serial No.

put up stating that the question of transferring Mr Chennaseshaiah & and the charge and of posting Mr Ramachandra Rao as H.O. Bangalore was refd to in the letter of the Mul Comm dated 24/12/35. In view of the representation made in person by the President and the Comm, the possibility of retaining Mr Chennaseshaiah at Bldr was examined again but it was found that his transfer to Closepet was unavoidable. In the circumstances, the next best thing seems to be to post as H.O. Bangalore Mr ~~C.H.~~ Dominick, who is ~~the least~~ senior officer of the Dept ~~Case this is fixed with the Health Officer of the Bangalore city~~. The proposed arrangements were communicated to the Mul Comm beforehand, in pursuance of the procedure laid down in Govt letter dated 3-7-30. If it did not meet with the Mul Council can have in giving effect to them.

Health Officer, Bangalore city.

4040 √4061 √4293.

General and Revenue Secretariat | ML File No. 203 of 1935. | [App. F. III—2

Serial No.	
2	The President, City Municipal Council, Bangalore D.O. L 6927 dated 11-3-36 Explains the circumstances under which Mr. Chandrasekharaiya had to be transferred to Closepet and Mr. Dominick posted as Health Officer, Bangalore city and states that as previous intimation was given to the Municipality about the proposed transfers, no difficulty could have been felt in giving effect to the arrangements as stated by him-
3.	Letter No. A.1-2415/35-36 dated 18-3-36 from the Municipal Commissioner, Bangalore city forwarding for orders the resolution of the Municipal Council protesting against the orders of Govt appointing Mr. Dominick as Health Officer and transferring Mr. Chandrasekharaiya without previously consulting the Municipal Council etc. 2. The Municipal Council further state in their resolution that the pay of the Health Officer be not disbursed and that Govt be requested to send a panel of names to enable the Council to make a suitable appointment — a principle conceded by Govt itself before. 3. Med. & P. Branch may perhaps be requested to put up references, if any, to show that Govt agreed to send a panel of names was suggested to the Municipal

NOTE.—Contn. Sheet.

WD 03591—GPB—30,000—13-7-35

Health officer, Bangalore city

File No. 203 — 4293/2 — of 1935.

General and Revenue Secretariat

Council can not pass a resolution for making a selection.

Submitted for orders.

Recd 23/3 W

3rd) For kindly putting up the file, vide para relating to A on the last page

Hon 23/3

GENL. & REV. NOH. 23 MAR. 1936 GENL. & REV. SECTT.

Empr
Vide Camps)

5)
6)

Rcd. 2nd 1936, the Bangalore city Municipal Council wrote to the Director of Health requesting that 3 names of Health Officers who are competent to hold the Health Officer's place in the Bangalore city may be sent. The Director was informed in this office letter no G. 131/25/Sanitary 91-29-14 & 7.5.36 that the municipal commissioner may be informed that Mr. L Ramachandra Rao who had been specially trained for city Health work will be shortly posted. There are no other papers on the subject. If ordered, the file will be returned to the Hon 27/3/36 with the above note

27/3/36

3rd) 27/3/36

3rd) The above references show that the Govt have not agreed before to the proposal to suggest a panel of names for selection by the Govt. Please see also letter No C 791-14 & of the Director of Health in the collection portion

4th) The Govt have resolved that the pay of Mr Dominic be not disbursed

For orders

Chaffey) Hon 27/3

Serial No.

OFFICE OF THE SECOND MEMBER OF COUNCIL. JUNE 1936 No. 7540

D-M 5806

39) Should reference be invited to the legal opinion on the limited file, as regards present position & further action to be taken with the position that may be created as regards present state of the law as regards [illegible]

30/5/36 JPM 30/5/36

40) Please see limited file

1/6/36 JPM 1/6

Serial No. 4/5

File bearing Diary No. 708/4 is put up. It comes with a different subject altogether -

Submitted

Room 27/3 — Asstt. Secy. Law (WW Camps) — Asstt. 27/3

42 The scope of sections 223 and 234 of the City municipalities Regulation, 1933 has been discussed in my note of 17-9-34 in H'C' File 50 of 1934 (S13) placed below. As stated therein, there is enough power under the Regulation to compel a H'C' to appoint a particular person as Health Officer or Engineer and consequently a H'C' cannot refuse to appoint as their Health Officer or Engineer a person chosen by Govt for the purpose - I would view the transfer ordered by Govt as a requisition to the H'C' to appoint the particular person transfered and the H'C' is under the law bound to make the appointment -

43 There can therefore be no legal objection to make orders under sec 228 (2) (e) read with sec 49 (b) (ii) and (e) insisting on Govt officers of Govt being appointed for the Health and Engineering Depts of a H'C' and prescribing the mode of making such appointments -

WD 03594—GPB—30,000—18-7-35

Power may be taken to Govt to withdraw any particular officer so lent and substitute another in his place -

asstt Secy's & Cr. Asstt Secys } 28/3

46. For orders.

45. (1) to be framed (Chiefsecy) 30/3
(2) draft rules with the advance of 2nd Secy. 30/3 31/3/86.

46. A draft reply may be put up stating that the procedure suggested by the Muni Council — viz that of sending three names for making a selection out of them — has not been accepted or followed by Govt in the past & that such a procedure would be highly inconvenient, if not unworkable. As intend framing rules under section 68 (4)(c) as in regard to the appointment of H.O's & read with section 4 (c) and the views of Muni Council will be obtained before the rules are issued. Meanwhile, the transfer of Mr Doomra must be

Health officer, Bo - - l - - City.

General & Revenue Secretariat. | File No. 3045 of 193

Serial No.

Reserved the an appointment which the Municipal are required to make and the sanction to the Govt. not to disburse the pay of the Officer cannot be supported

47. Draft may be put up accepting for Govt. sanction

31/3/36.

1-4-36

4/4

D 'S OFFICE 1936 No. 6084

OFFICE OF THE SECOND MEMBER OF COUNCIL. 2 APR. 1936 No. 1617

48 Draft submitted

1/4 49 chapters 4/4

29. 2nd Secretary

2-4-36

50 Appd

2/4

May be subject to Govt. Order & Rules

2/4/36

51 J.P.

2/4

52 J.M.

6/4

6/4

53. Issue

6/4

TYPING SECTION 6. APR. 1936 GENL & REV. SECTT.

NOTE—Cont. Sheet.

Serial No. 4

The Municipal Commissioner, Bangalore city
Dr L 7654 dated 7-4-36

States that the procedure of suggesting a panel of names for making a selection has not been accepted or followed by Govt etc and that the opinion of the Municipal council will be obtained on the proposed rules Govt intend framing in the matter of appointment of Health officers and Engineers & that the direction the council must to disburse the pay of the Health officer cannot be supported.

L 7655-6 dated 7-4-36
Copy to the Dr of Health & Comptroller—

Submitted.

54) As the question is of a difficult nature, the Law Section may be requested to favour the Branch with a draft set of rules on the subject.

55 Have traced some cases which may be typed & put up for consideration

16/4/36

25/4

25 APR 1936

NOTE—Contn Sheet

Ajoining Section w(c)

Rmr 25/4

Appointment of Engineers and Health Officers in city Municipalities.

3/ 5846 p 635

3043/1/1847

File No. of 193

General and Revenue Secretariat

8File 1 8364

) Typed draft submitted for consideration.

25/4 MM

57) After rules are considered suppressed the Secretary, Law, might be consulted regarding the form of the rules.

MM 25/4

58) Law Secretary (Chiefsey)

25/4

254

Law

RtR

MM 27/4

59) I have put up a revised set of rules for favour of consideration

Chiefsey) MM 27/4/36

60) 2nd Member

27-4-36

CHIEF SECRETARY

27 APR. 1936

MM 28/4

61) May be considered after circulation at a meeting of cl, if the Dewan approves

MM 28/4/36

62) Dewan).

DEWAN'S OFFICE

29 APR. 1936

No. 6643

29-4-36

MM 29/4

MM

29-4-36

C-S. circulate

30/4

For Disposal at a meeting. No. C. 285

9/1935-1936.

GENERAL AND REVENUE SECRETARIAT.

Council Matter.

Subject

(clause.....of the schedule)

63 Draft Rules under sections 228 (2) (c) and 49 b (ii) and (e) of the City Municipalities Regulation of 1933, re: appointment of Engineers and Health Officers.

63 *Circulated to the Members of Council.*

By Order,

30th April 1936 *Chief Secretary to Government.*

First Member of Council.

Second Member of Council. (Seen)

Subject:-

Draft rules under sections 228 (2) (c) and 49 (b) (ii) and (c) of the City Municipality Regulation of 1933 re: the appointment of Engineers and Health Officers.

Opinion of the Council.

(4) The rules may be framed and if these are found inadequate, amendment of the Regulation may be considered.

Bm
9.5.36

Asst Secy. L.S.G.)

(5) Please put up a draft notification publishing the draft rules under Sec 228 (4) of the City Municipal Regn and ~~Outline~~ inviting the opinions of the Bangalore & Kupparest the Council's on the rules.

11/5

(6) Draft notification is submitted for approval.

Rmm
12/5

(7) The rules require previous publication.

CHIEF SECRETARY.

Chiefsec)

12/5

MAY 1936

(8) 2nd Assembly

12.5.36

(9) RLL
12/5/36.
Assistant

F.P. SECTION
MAY 1936

Health officer, Bangalore City √5373

42935373

General and Revenue Secretariat | Ml File No. 203 of 1935 | [App. F. III—2

Serial No.	
5	The Comptr, Mysore Gazette. Nr L 8701 dated 14-5-36 Publishes the draft rules & calls for objections within a period of one months. L 8702-3 dated 14-5-36 Copy to the Ml Comrs, Bangalore city & the President, Mysore city Municipality for forwarding the opinion of the Ml Cl on the rules L 8704-5 dated 14-5-36 Copy to the Dr of Health & Chief Engineer
Press Sec 15 M 19/5 6	Letter No. A1-2415/35-36 dated 14-5-36 from the Municipal Commissioner, Bangalore city forwarding the resolution of the Municipal Council in regard to the appointment of Health officer in the Municipality. (1) The present resolution is in reply to this office letter No. L 7654/Ml 203-35-4 dated 7-4-36. The opinion of the Municipal Council on the proposed rules may perhaps be awaited. Submitted for perusal and orders. Perm 21/5 (2) The opinion of the municipal Council on the proposed rules may be awaited. Chief Secy 21/5/36 53 2nd Secy 22-5-36

RECEIVED IN THE SECRETARIAT OF GOVERNMENT 1936 9104

CHIEF SECRETARY 21 MAY 1936

NOTE.—Contn. Sheet.

WD 03594—GPB—30,000—18-7-35

93) Please put up a copy of the rules relating to transaction of business at the meetings of the Municipal Council

MLC
23/5/36.

Dy Sec 25/5

OFFICE OF THE SECOND MEMBER OF COUNCIL
31 MAY 1936
No 9368

1) Please see page 5 of the Rules & By laws of the Bangalore city Municipality

DY 31/5

II Member) Asst 31/5

2) We may inform the Municipal Council that the matter was fully considered ~~and~~ before orders were passed and ~~My~~ reasons for the same were explained in earlier communications. ~~for non-consideration of the matter stated~~ in ~~the~~ view of the present resolution of the Municipal Council only reiterates the grounds which were urged before and refers to us in ~~of~~ Govt in language which is improper and intemperate. It is impossible in these circumstances to give serious consideration to the views embodied in the Resolution.

MLC
2/6/36.

3) Let us with the above. 2/6/36.

Dewan). MJ 3-6-36

Dy Sec 3/6

DEWAN'S OFFICE
3 JUNE 1936
No. 7454-56

4) May discuss a Circular in the Bangalore. Let us know. Asst 4/6

Health Officer, Bangalore city -

General and Revenue Secretariat | File No. 5373 / 7 of 193 | [App. F. III—2

DEWAN'S OFFICE
8 JUNE 1936
7536

Serial No.

78 Draft to the Municipal Comm submitted.

Rem 4/6

99 Chief Secy) Am 4/6

80 2nd Secy) Br 4-6-36 Am 4/6

81 Dewan) NM 8/6/36.

82 Issue Ms 8-6-36 Br 10-6-36 NM 10/6

SECRETARY.
1936

OFFICE
RECORD
No. 9478

TYPING
10 JUN 1936
GENL & REV. SECTT.

The Municipal Comm, Bangalore city

Dr L 9361 dated 10-6-36

Invites reference to this office letter dated 7-6- explaining the reasons for the decision of Govt. and states that the present resolutions is framed in improper and discourteous terms the use of which Govt cannot deprecate.

Dr L 9362 dated 10-6-36

copy to the Dr of Health.

Appointment of Engineers & Health Officers in City Municipalities.

5373 ∫ 5658.

Mysore File No. 203 of 1935. | General and Revenue Secretariat

Letter No. G.T. 2810 dated 5-6-36 from the President, City Municipal Council, Mysore, forwarding the resolution of the Municipal Council that they are of opinion that the proposed rules are opposed to the spirit of the Regulations and that they doubt if the new rules proposed are in accordance with the provisions of the Mysore Regulation under which they are intended to be made and that they feel that the existing provisions in this regard do not call for any change. 7

Submitted for perusal. The resolution of the Bangalore City Municipal Council may be awaited. It may however be stated that the period of one month for preferring objections to the draft rules expires by 21st June 1936.

may have asked for extension of time till the end of this month if the file has been sent to us IIM

(Date of publication is 21-5-36)

RDM 11/6 MM 11/6

Chief Secy

MM 11/6

GG. Bm 12/6

MM 11/6

Letter No. A1-2415/35-36 dated 4-7-36 from the Municipal Commissioner, Bangalore city forwarding a note embodying the opinion of the Council on the proposed rules. 8

Appointment of Engineers and Health officers in City Mcpls.-

5658/92

General and Revenue Secretariat | Ml File No. 203 of 1935. | [App. F. III—2

Serial No.

6/7 The Municipal Council state that, for reasons given, the proposed rules are ultra vires of the City Municipalities Regulation, 1933, and that Govt is not legally entitled to frame the rules contravening the clear provisions of law. They are of opinion that the rules may be dropped.

8/7 The Law Section may perhaps be consulted on the legal objections raised by the Council.

Rpm for 6/7

8/7 Evidently the Ml Council is anxious to have complete control of appointing Engineers & Health officers for itself without Govt interference. The Municipality depends upon Govt for all help required for its maintenance but resents Govt sending its officers for work in the Municipality or transferring them when need arises, in the interests of Public Service. If the Municipality were a body solely depending upon itself for its existence not counting on Govt aid an attitude of the kind could perhaps have been tolerated. But as matters stand the attitude of the Mcpl leaves much to be desired.

This should be considered with the representations received

8/7

PRESENTED TO COUNCIL. 7-8-36 No. 197

Ch: Secy 7/7/36

Govt for orders, as to further action, in the light also of discussions with recent Deputation of the M.C.

8-7-36

2 Memorials

8/7/36

NOTE.—Contn. Sheet

WD 03534—GPB—30,000—18-7-35

File No. 1-F of 193 | General and Revenue Secretariat

90) Dr Parthasarathi (Dir of Health) has obtained a copy of the rules regulating the transfer of Municipal Health Officers in the Madras Presidency where the service is provincialised. We may obtain these rules from him and compare them with the draft rules now under consideration — and also compare the relevant provisions of the Note issued which they are issued with the corresponding sections of our Regulation

Nec
9/7/36.

Bm
10-7-36

10/7/36

b) Draft D.O. to the Dr of Health submitted for approval

Rmm
10/7

92) Jc
10/7/36

VERIFYING SECTION
GEN. & REV. SECTT.
12 JUL 1936

The Director of Health

D.O. No. L 307 dated 11-7-36

Requests him to forward the rules in the matter obtaining in the Madras Presidency

SwsA
16/7

Appointment of Health Officers and Engineers in

92 √326

General & Revenue Secretariat. | File No. | of 193 | [App. F. III–2

Serial No:

D.O. letter No. C. 132-2 dated 20-7-36 from the Director of Health forwarding a copy of the Public Health Code of the Madras Presidency.

2. From a perusal of the Public Health Code sent by the Director, it will be seen that the Public Health Department in the Madras Presidency is entirely provincial in character and is under the direct control of a Govt. by a Minister in charge of Public Health and Local Self Govt. The Director of Public Health is the head of the Department and his jurisdiction extends over the whole Presidency including Madras city. The Code does not deal with the appointment of Health officers to the Madras Corporation but only the Municipalities and Dt Boards in the Presidency.

3. A comparative statement is put up showing the draft rules issued in this Secty and the corresponding provisions of the Madras Public Health Code. It will be seen therefrom that the draft rules issued in this office are similar to those obtaining in the Madras Presidency.

4. Kind reference is also invited to Sections 85, 86, 87 & 88 of the Madras City Municipal Act dealing with the appointment of Municipal Engineer, Health officer and Revenue officer and to Sections 223 (2) (i) & (ii) and 234 (1) and (2) of the Mysore city

Appointment of Health Officers and Engineers in city Municip- ...
28)

File No. 92√326/2 of 193 . | General and Revenue Secretariat

Municipalities Regulation. 1933. The provisions in the two Regulations are almost similar in nature- -

Submitted for orders (refer para 71 supra)

Rmr 30/7 — Perusal of Pages 41 & 42 of the Madras Public Health Co. pertinent. The draft rules proposed here are, as compare force in Madras. Very fair. Appropriate Sec (8) is for

11.9.36

Sec 71 (2) of the Madras Dt Mulcts Act corresp. & Sec 223 (2) (i) of the Mysore City Mulcts Regn. Sec 72 of the Madras Dt Mulcts Act regulates the procedure for filling up the appointments created under Sec 71 (2). But in addition to these provisions of law special powers are taken by Govt. under Sec 76 of the Madras Dt Mulcts Act to appoint their own officers in the case of any mulct or class of mulcts. No corresponding Statutory provision Exists in the Mysore Regn. The opinion of the asst. Secy, Land Dept in ref. file 50-34 would seem to indicate that this power could be Exercised under the rule making powers of Govt. Vested in them under Sec 228 of the Mysore City Mulcts Regn. It is to be noted that while the Public Health Code was issued in 1928, the new Section 76 of the Madras Act came into force in 1933 by the amending Act of that year. In the absence of the Statement of objects and reasons for the said amending Act, it is not known whether that Provincial Govt. was faced with similar situations as ours and desired to remedy the situation

× Refer is also invited to Section 72 & 76 of

Appointment of Health Officers in Ceylon

9 V 36

General & Revenue Secretariat. | File No. | of 193 | [App. F. III–2

Serial No.

beyond all controversy. Hoarm as the legal opinion is satisfied that the rules are sufficient to regulate these matters, the chapter rules as compared with the rules in force in Madras would seem to meet the requirements of the present position and may be approved.

2nd member)

MS 2.8.36

88 4/8/36

The proceedings of the Madras Legislative Council relating to Madras Acts XII of 1933 and IV of 1935 may be put up if available

Mew 5/8/36

MS 5/8

4/5/8/36

(vv)

Proctor Bar We for favour of kindly putting up the above, if available

Sgd 5/8/36

Proceedings of the Madras Legislative are not available in Proctor's. They are available in L.C. office.

See 5/8

L.S.G. Bruce

Work L.C. vide We for favour of necessary action

Sgd 5/8/36

(Two volumes required may be selected and taken.

K.S. & G.V.C. 6.8.36

SECOND MEMBER OF COUNCIL. 1936 No. 849

OFFICE OF THE SECRETARY 6 AUG 1936 REPRESENTATIVE ASSEMBLY AND LEGISLATIVE COUNCIL.

Contn. Sheet.

Health Officers & Engineers in city Municipalities

File No. 326/2 of 193 . | General and Revenue Secretariat

8/8/104

The Proceedings of the Madras Legislative Council relating to the Madras Acts XII of 1933 and IV of 35 are put up as directed -

7/8 ~~Pages 80 of 35 to 109 of Vol No 23.~~

XII of 33 - { Pages 439, 476 of Vol 23.
Pages 754, 782 of Vol 25.

IV of 35 - Pages 67-81 & 395-415 of Vol 32

Kindly refer also to page 781 of Vol 25. para 3 of the Select Committee's report.

8/8/36

8/8/36

XII of 33 — I
IV of 35 — V

OFFICE OF THE SECOND MEMBER OF GOVT
8 AUG. 1936
No. 965

II Member
10687 The Law Section has stated that the draft rules are in accordance with the provisions of the Regulation but there is room for some doubt on this point.

188 The position was somewhat similar in Madras. There also, the Municipal Council had power, under the District Municipalities Act, to appoint Health Officers and Municipal Engineers with the approval of Local Government. In practice however, Health Officers were all appointed by the Local Government. In order to regularise this practice, a new Section (Section 72a) was inserted in the Madras District Municipalities Act empowering the Local Government to take power to appoint and control the Health Officer and Municipal Engineer in the case of any Municipality or class of Municipalities.

189 In order to place the matter beyond doubt, it seems desirable to take similar action to amend the Mysore City and Town Municipal Regulations with regard

Appointment of Chief Officers & Health Officers & Engineers in City & Town Municipalities

1658/36

General and Revenue Secretariat | File No. | of 193 . | [App. F. III—2

erial No.

to the appointment of Health Officers, Engineers and also Chief Officers.

Nile
22/8/36

24/8/36

09) two draft bills are submitted for consideration. Law Section may perhaps also be consulted

mr 1/9/36

110) Drafts for approval with Legal Concurrence. 12/9/36

Secy) 111) Asst. Sec. Law Dept. for Scrutiny.

mrs 12/9

12/9/36

112) The only draft put up is about amending the City Municipalities regulation. It is not clear why it is considered unnecessary to amend the Mun Mkt Regn. Similarly.

It is not necessary to have two sections, one to deal with the appointment the chief officer & another with that the Health officer and Engineer. One section corporating both is sufficient.

inventory of health "Measures" in municipalities
326 165 city Mills

of 193 | General and Revenue Secretariat

163
q5 I have accordingly revised the draft.
q6 Another section, say Sec 234 D may be added to make it clear that on Govt taking powers under Sec 234 A the M' C' ceases to exercise its power of appt under Secs 233 or 234. A draft for this purpose is also suggested for favour of consideration.

Chief Secy
Thro Asst Secy

17/9

17/9/36

17 SEP. 1936

17.9.36

17/9/36

Member
Dewan

OFFICE OF THE SECOND MEMBER OF COUNCIL
21 SEP. 1936
NO. 1947

with the Asst Secy we may also amend elections Regn similarly unless, this might encourage

For Disposal ~~by Circulation~~ at a meeting

No. C. 609

1936-193 4

GENERAL AND REVENUE SECRETARIAT.

Council Matter.

Subject

Question of amending the City Municipalities and the Town Municipalities Regulations, with reference to the appointment and control of the Chief Officers, Health Offic and Engineers.

116) *Circulated to the Members of Council.*

By Order,

Chief Secretary to Governme

6th October 1936

First Member of Council. 117)

Second Member of Council. (Seen)

Extract from the Proceedings of the 953rd *Meeting of the Council of His Highness the Maharaja, held at ~~Bangalore on~~* Mysore, on 23rd Octr. 1936.19

OFFICE OF THE SECOND MEMBER OF COUNCIL.
24 OCT 1936
NO 2987

6. Subject. -

Question of amending the City Municipalities and Town Municipalities Regulations, with reference to the appointment and control of the Chief Officers, Health Officers and Engineers.

OPINION OF THE COUNCIL.

The amendment proposed to Section 234 of the City Municipalities Regulation may be approved.

(Signed) MIRZA M. ISLAIL

Dewan of Mysore.

1097) For favour of final note

Second Member)

1098 7. N. signed.

26/10

1121 S. N. put up.

Dawan.)

TRACT'

Secretary to Government.

WD 1471—GPB—2,000—1-8-21

Final Note by the Second Member of Council.

Subject.—

Amendment of the City Municipalities and Town Municipalities Regulation relating to the method of appointing Chief Officers, Heal Officers and Engineers.

These papers relate to the method of appointing Chief Office: Health Officers and Engineers in the City Municipalities. Under Sec tion 233(1) and 234(1) of the City Municipalities Regulation 1933, Municipal Council has power to appoint these officers, subject to tl sanction of Government. In practice, however, Health officers and Engineers are selected by Government and appointed as such, general in consultation with the City Municipal Councils. In urgent cases such consultation is dispensed with. The City Municipal Councils h however, been contending that the power to select and appoint these officers should vest in them. In the interests of efficiency, it i considered that these important appointments should be under the co trol of the Government and that they should be filled by posting of cers from the regular cadre of the departments concerned.

In order to ensure this, draft rules were framed under Secti 228(2)(c) read with Sections 49(b)(ii) and (c) of the Mysore City Municipalities Regulation 1933, and public criticism was invited the on in notification No.L.8701/M1.203-35-5 dated 14th May 1936. The Municipal Councils of Bangalore and Mysore have urged various objec tions to the issue of the rules. In the light of these objections, the matter was reexamined in detail and it was felt that in order to place the authority of Government to appoint the officers in question beyond the possibility of doubt, it was expedient to amend the Regula- tion on the lines of the draft bill herewith submitted.

The matter came up for consideration at the meeting of th Council held on the 23rd October 1936 and it was agreed that the pro- posed amendments to the City Municipalities Regulation might be adopted.

In pursuance of this decision, I solicit His Highness' gracious

approval to the provisions of the draft bill with a view to its being placed before the Representative Assembly and the Legislative Council in due course.

125) Action will be taken to embody similar provisions in the Town Municipalities Regulation also.

N. M. Samaraj Rau
MEMBER OF COUNCIL.

Camp Mysore,
26th October 1936.

187

126)

Submitted to His Highness.

I submit herewith a Final Note by the Second *Member of Council on the subject of* the amendment of the City Municipalities and Town Municipalities Regulation relating to the method of appointing Chief Officers, Health Officers and Engineers *for His Highness' gracious approval.*

Mirza M. Ismail

Dewan.

Mysore,
26th October 1936.

Record of Cases submitted for the Orders of His Highness the Maharaja.

Subject.

Amendment of the City Municipalities and Town Municipalities Regulation relating to the method of appointing Chief Officers, Health Officers and Engineers.

~~108~~ (127)

Order.

~~KRW~~

27/10/36

76

General and Revenue Secretariat

326/L 326/L

SUBJECT:-

Amendment of the City Municipalities and Town Municipalities Regulation relatin to the method of appointing Chief Officers Health Officers and Engineers.

(*)

31. All urgent or confidential files returned with His Highness' orders may in the absence of instructions or indications to the contrary, be ordinarily circulated to the Members of Council for perusal after the issue of orders.

33. The Secretaries concerned should see that orders in the cases referred to above are issued at once and that the files are returned immediately after to the Chief Secretary for circulation to the Members.

34. In all other cases, the files will first be circulated to the Members of Council at Head-quarters and then sent to the Secretariat concerned for the issue of orders.

128/109 Circulated to Members of Council for perusal of His Highness' orders before/after issue of orders. (*Vide Rules* 31, 33 and 34 of the Subsidiary Rules for the conduct of business of Council in the Manual of Council Rules and Procedure.)

*

Chief Secretary to Governmen

Through the Secretary to Government,

..... Department.

HS FIRST MEMBER OF COUNCIL. (Seen)

HH 129/3031/29.10.36 SECOND MEMBER OF COUNCIL. 30/10/36

Amending the City Municipalities Regulation re: appointment of Health Officers & Engineers

General and Revenue Secretariat | Re File No. 326/1 of 1936. | (37) [App. F. III—2

Serial No.

130) Action regarding amending the Town Municipalities Regulation has been taken separately.

If approved, this file will be sent to the Protection Branch for further action

Rmr 14/11/36

131) Yes please

16/11/36

132) Protection Branch

16/11/36

133) The G.O. laying down rules for dealing with measures of leg is taken is put up.

Action may be taken with the L.S.G. Br. in accordance with clause (e) of the G.O

134) Please send this to L.S.G Branch

17/11/36. 17) L.S.G.B. (WC.)

17.11

135) It is for orders if the statement of objects & reasons may itself be adopted as the Statement of general principles of the bill for purposes of clause (e) of G.O of 16

Submitted

Rmr 18/11

136) Yes

19/11/36

133

136) Action as indicated in para 115 supra has been taken.

Protection Branch with compts.

Rmr 25/11

E—Contn. Sheet.

W.D. 6417—G.P.S.—30,000—6-9-36

38)

Amending Cir- Rule re Abolition of Health offices.

File No. | of 19 | General and Revenue Secretariat

Serial No.

39) The general principles of the Bill are to be placed at the next session of the R.A in June 1937.

139) This may thereafter be kept in the list ~~of~~ ~~pending~~ ~~business~~. The calendar for the R.A session of June 1937 is

sent for orders.

Sec
26/11/36.
Chief Secretary)

1st member
2nd member

hdj
26-4

MMS
26/11
hdj
27/11

OFFICE OF THE SECOND MEMBER OF COUNCIL
7 NOV 1936
NO 3737

OFFICE OF THE MEMBER
28 NOV. 1936
No. 3706

140) MM
27/11/36

12
1941

hdj
30/11

Sent. for orders if copies of the St. of general principles may be sent to R.A office for being placed before R.A at its June session.

Sec
29/11/36 (two Members)

hdj
30.3

R.A. Sec

OFFICE OF THE SECOND MEMBER OF COUNCIL
MAR 1937
NO 6746

TYPING
3 AP 193
GEN & RC

Typing Section for making 4 copies of the St. of R.

S 272/P/36

General and Revenue Secretariat | File No. 326/I of 193 | D/Sec | [App. F. III—

Serial No.

144 134) To R. & appointments will be typed copy of the Statement of gd. principles.

Return Judges SD 585 enclosures

SC 6/4/37

145) 3 Copies taken and file returned.

R & Sus.

BVN. 6.4.37

Private Secretary

146) The subject was placed before the meeting of the Standing Committee held on 1st May 1937, the note having been previously circulated. The general opinion of the Standing Committee on the subject is noted below:--

The Standing Committee was of opinion that in the circumstances of the case it is desirable for Government to take power to appoint these officers as proposed.

Amendment of City Municipal Rigs

File No. | of 193 | General and Revenue Secretariat

Serial No.

DEWAN'S OFFICE
18 MAY 1937
No. 5117

OFFICE OF THE SECOND MEMBER OF COUNCIL
17 MAY 1937
NO 8337

6
Subd. for orders if the Bill & st. of objects & reasons may be published under Rule 8 of L.C. Rules for being introduced in L.C. in June.

Last date for publn is 3rd June.

See 17/5/37

(2nd Member a/c)

(1) The Bill may be published

hg 17.5

150 MM 18/5/37

151 MJ 18-5-37.

hg 19-5

1 Sec Rigs

2 L.C. copies with 4 Typed Copies of Bill & st of objects & reasons for publication

See 20/5/37

(Three copies taken and the file puts to the Prot. Br.)

Typing section for making 4 copies of the Statement of objects & reasons.

See 20/5 MM

L.C. Gr.

26/5/37

From: The President, Municipality, No. 76 & Dt. 1.6.37.

Forwarded a Copy of the Municipal Council's Resolution No. 611 of 28-5-37.

TYPING

1937

Bill to amend the ... Municipalities Act ...

General and Revenue Secretariat. File No. 326/1 of 193 [App. F. III—2

Serial No.

154 The general principles of the Bill are to be placed before the evening session of the R...

155 This may be sent to the A.S.G. Bx for reference to Section to see, in charge

Sec 10/6/37 — hm 10.6.

Ste 10/6/37 — Chief Sec'y

156 hm 15/6/37

157 The general principles of the proposed bill were discussed by the R. A. on the 15th June. There was heavy opposition and did not accept the principle.

158 It is for orders if it may be introduced in evening Lic meeting the bill has been already published

for 16/6/37 Sec'y of Sen. Mj

hm 15/6/37

2nd member Dewsnup

159 It has to go through Assembly

MS 17.6

MS 18/6/37

160 MS

18_6 3

MS 19/6

WD 0417—GPB—80,000—8-9-36

City Mil Bill re appt of trustees

File No. of 193 | General and Revenue Secretariat

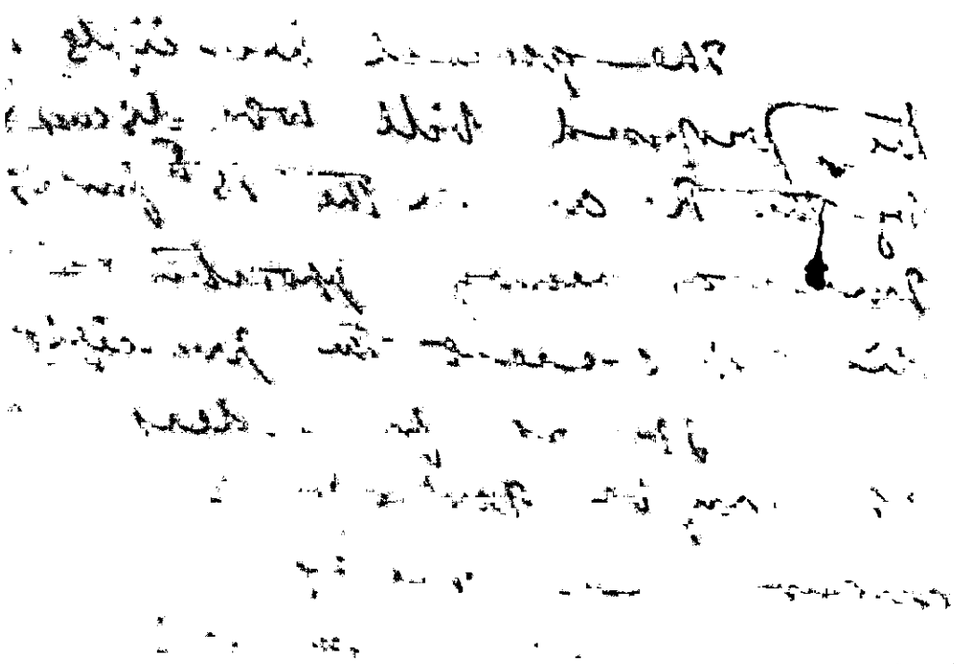
Serial No.

167
submitted with a note
(2nd member)

by
23.6.37

162
(384)

Rec
28/6/37



OFFICE OF THE
SECOND MEMBER OF COUNCIL.
23 JUNE 1937
NO. 9/2-2

Bill to amend the city / Municipalities Act

General and Revenue Secretariat | File No. 326/ of 193 | [App. F. I...

Serial No.

154 The general principles of the Bill are to be placed before the evening session of the R.A.

155 This may be sent to the A.S.G. Bty for reference to Secretariat to see, in charge

Sec 10/6/37 TB 10/6/37 Chief Sec'y

hsp 10.6.

156 hm 15/6/37

157 The general principles of the proposed bill were discussed by the R. A. on the 15th June 37 Members were very opposition and they did not accept the principle.

158 It is for orders if it may be introduced in the evening sitting. The bill has been already published.

hm 16/6/37 Chief Sec'y

hm 15/6/37

2nd member Dewan

159 It has to go through

hm 18/6/37

160 hm 18-6-37

NOTE—Contn. Sheet.

WD 0417—GPB—30,000—3-9-36

OFFICE OF THE SECOND MEMBER OF COUNCIL. 15 JUNE 1937 90-34

TB 19/6/37

Serial No.

2336 L 1935

Extract of notes from file 3045 regarding the amendment of the City Municipalities Regulations relating to the appointment of Health officers and Engineers in City Municipalities.

x x x x x x x x x

1. "In order to place the matter beyond doubt it seems desirable to take similar action to amend the Mysore city and Town Municipal Regulations with regard to the appointment of Health officers, Engineers and also Chief officers.

Init. N.M.
22/8/36.

x x x x x x x x x

2. The only draft put up is about amending the City Municipalities Regulations. It is not clear why it is considered unnecessary to amend the Town Municipalities Regulations similarly.

N.R.J
17/9

x x x x x

3. It is because the appointment of Chief officers is being made by Govt as a matter of course and no voice has been raised against this.

B.M
17/9.

x x x x x x x x

4. I agree with the Asst Secy, Law Section.

WD 0417—GPB—30,000—6-9-36

5/ Amendment of the Townships Act, 1933

File No. 2336 of 193 | General and Revenue Secretariat

rial
lo.

We may also amend the Town Municipalities Regulation similarly.

N.M.
23/8/36.

Extract of the D.F.N. dated to H.H

x x x x x x

5 F Action will be taken to embody similar provisions in the Town Municipalities Regulation also.

N.M
26/10/36

OFFICE OF THE SECOND MEMBER
27 NOV. 1937
NO. 3765

6 Draft Bill amending Section 209 of the Town Municipalities Regulation is submitted for consideration together with the draft ~~[illegible]~~ general pmia.

Rmr 14/11/36 After approval the drafts will be got typed hereafter & sent to the Members

17/11/36

Dev: Secy)

MW. 20.11.36. 2/20/11/36

3637 17/11

T. J. W/c 21 Typed copies

Typed draft submitted

Rmr 26/11

For approval.

26/11/36

Dev: Secy)

28/11/36

Secretary

MW 21-11-36: 2/27/11/36

Hdy 7/80)

MW 27/11/36

MW. 1/12/11/36

Serial No.

Protection Bx with compts for further action -

Rmr 28/11 165 This has not perhaps to be submitted to H.H. before the principles of this bill are passed before R. A.

166 This may therefore be returned to L.S.G. Bx for necessary action

Ref: Rmrs

Yes HH 30.11

SG 30/11

L.S.G.A.R.

167 His Highness' approval has already been obtained in regard to this - Vide D.F.N of His Highness' orders in the file relating to the amendment of the City Municipal Regulation -

Protection Bx with compts)

Rmr 1/12/36 168 In that file (linked hereto) only the Bill to amend City Municipal Regn. had been put up and the Council resolu. was that the amendment to S. 234 of City Mib. Regn might be approved

NOTE—Contn. Sheet.

WD 0417—GPB—80,000—8-9-36

File No. of 193 | General and Secreta

Serial No.

In the final note gracious approval of His Highness was sought to the provisions of the Bill put up with a view to its being placed before R. A & L. C.

1901 It was added that actions would be taken to embody similar provisions in the Town Municipalities Regn. also

174 It is for orders if this would suffice for placing ~~the~~ the present Bill before R. A or if it should be sent to H. L.

SC 1/12/36. 175 This appears to be sufficient.

Chief Secretary

1/12

1/12

176 Quite so, Since the final 1/12. Note as well as the Submission note make the point Quite clear.

CHIEF SECRETARY. 1 DEC 1936 GOVT. OF MYSORE.

MS 1/12

1/12

Sub D (10-5-

174 1/12

Subd. for orders if copies of the 1/12 St. of General principles may be

Amendments to the Mysore Municipalities Regulations

5775/836 5217 47

General and Revenue Secretariat | File No. | of 193 | [App. F. III—2

DEWAN'S OFFICE 18 MAY 1937 No. 5139

Serial No.

OFFICE OF THE SECOND MEMBER OF COUNCIL. 0 MAR 1937 NO 6739

sent to the R. A copies for circulation in the agenda for the June Session of R. A.

Sec 29/8/37 2nd member 175 Hdq 33.3

Typing Section for typing 6 Copies of the Rt. & Gl. principles. Sec 30/4

Hdq 176 To R. A copies with 6 typed copies of the Rt. & General principles.

Sec 5/6/37 177 Hdq

3 Copies taken and file returned.

BDM. Qr. J... (A) 6/4/37

178 Hdq Second proceedings of the Bill & Statement of objects and reasons may be published under rule 6 of the rules. The last date for publication is 3rd June

Sec 17/5/37 179 Hdq Bill may be published

2nd member Dewan 180 Hdq

OFFICE OF THE SECOND MEMBER OF COUNCIL. 17 MAY 1937 NO 8339

TRANS GENL MAY 1937

NOTE—Contn. Sheet.

WD 0417—GPB—30,000—8-9-36

Typing Section for making 6 copies of the Statement of objects & reasons Sec 20/5 MTK.

181 170 (40) 18-5-37

Hdq 17.5

Sec 18/5/37 Hdq 1.6.37

48) Bill to amend the Coorg Municipalities Regn

File No. 2336/J of 193 | General and Revenue Secretariat

Serial No.

182 To the L.C. Office with 4 typed copies of Bill & Stt. of objects & reasons for publication.

See 20/5 183 Three copies of the Bill taken and the file pstd to the Prot. Br.)

L.C. Gaz.

26/5/37

184 The general principles of the Bill are to be placed before the ensuing R.A. [St. III.]

185 This file may be sent to H.S.G. Br for reference and scrutiny to keep in charge.

See 10/6/37 The 15th 186 10.6. general

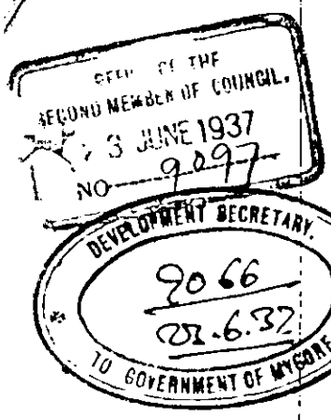
The principles of the proposed bill were placed before the R.A and were discussed by them on 15/6/37. They did not however agree to the principles and the Opposition was heavy. It is for orders if the bill may be introduced in the coming R.A. sessions. The published bill is placed below.

From 16/6/37 Secy (Genl) 17/6/37

71/P Amendment to the Municipalities Regn re Chief Officers.

General and Revenue Secretariat — File No. 2336/2 of 1935-36 — [App. F. III—2

Serial No.



187
143) For orders

Secy Meeting

MW 18.6.37. Lr 1916

188
144) The bill will have to go through

MW 23/6/37

MW 23.6.37 Lr

Pvte Branch

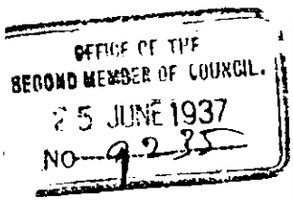
for 24/6/37

188
145) A note has been asked in connection with the amendment of City municipal Regn. Commissioner's note may perhaps suffice for this also

SG 24/6

see extract please

HS 24.6



190
Submitted with a note

2nd member)

Secy Member.

CG 6/7

NOTE.—Contn. Sheet.

WD 03594—GPB—30,000—18-7-35

SB 1968/37 Bill to amend Town Municipalities

File No. D679 of 193. . General and Revenue Secretariat

91/46 Submit with the S.C report as approved by the members.

192 If approved copies of the same will be sent to L.C office for publication.

See 25/9/37 1937 yes 25-9

24/9 L.C office with copies of the S.C report for publication.

See 28/9 (196) Two copies taken and the file puts to the (Prot.- B.)

28/9/37 (197) 29/9/37 (197) The Bill were passed as the present session of the L.C

198 Submit via D.Z.M for promulgating the Bills as Law

See 27/1/38. 2nd meeting (199) yes 28/1/38 28-1

Gen Secy

F.R. signed by Members.

CeO 29/1/38 yes 31/1/38

28-1

31-1

Dewan

OFFICE OF THE SECOND MEMBER OF COUNCIL 28 JAN. 1938 No. 5496

Typing section for making 3 copies of the report

See 25/9.

OFFICE OF THE SECRETARY TO GOVT. 1937 28 SEPT. 1937 REPRESENTATIVE ASSEMBLY AND LEGISLATIVE COUNCIL.

GENERAL SECRETARIAT 28 JAN. 1938 4252

OFFICE 5073

Town Municipalities Bill.

P 1. Mr. B.T. Kesaviengar,
P 2. Mr. H.V. Ramaswami,
P 3. Mr. M. Venkatanaranappa,
P 4. Mir Mirle Lakshminaranappa,
P 5. Mr. G. Girimaji Rao,
P 6. Mr. J. Md. Imam,
a 7. Mr. Hayavadana Rao,
P 8. Mr. Nagappa Chetty,
and the Mover.

City Municipalities Bill.

P 1. Mr. B.T. Kesaviengar,
P 2. Mr. H.V. Ramaswami,
P 3. Mr. M. Venkatanaranappa,
P 4. Mr. Mirle Lakshmanaranappa,
P 5. Mr. P. Subbarama Chetty,
P 6. Mr. H.C. Dasappa,
P 7. Mr. Mahammad Abbas Khan,
P 8. Mr. D.V. Gundappa,
and the Mover.

L.C opies for verification of the names with reference to the notes of the reporting Section

See 10/7

OFFICE OF THE SECRE
10 JULY 1937
PRESENTATIVE ASSEMB Y
AND
GISLATIVE COUNCIL

The lists have been verified with the original notes of the Reporters and are found to tally, except to the omission of the name of the Secy. to Govt., Dev. Dept. in ~~the~~ case of the City Municipal Bill. In view of the inclusion of the name in the list in the second Member's own hand the name will be included in the printed proceedings if approved.

KGS 10/7/37 Noted.
KN 2.8.37 KN 7.8.37

Bombay City Municipal Act
amending Bills
Select committee

General and Revenue Secretariat | File No. | of 193 | [App. . . III—2

Serial No.

WD (SS)

The two Bills amending the City municipal Acts are referred to the Select committee & the two Bills amending Bombay municipal Acts to another.

Secd. for orders as to the date & hour of the meetings of the two committees

Sec 8/7/37

WD (SS) Resd. for orders as to the date of the 2 S-C meetings. Orders are also solicited re the variation in the names of members of the S.C for city municipalities noted in the list placed below.

Sec 2/8/37 WD (SS) Mr Venkata Ramappa may be included in the S.C. for city municipalities Bill. His name is proposed in the order list made by the two members

NOTE—Contn Sheet.

WD 03594—GPB—30,000—13-7-35

Amending Bills — Town & City Municipalities
Select Committees

File No. of 193 | General and Revenue Secretariat

2 convenient dates have to be fixed for 2 committees. The Budget session commences from 4th the 5th October 1937. The R.A. Session Commences on the 16th Oct & may end on or about 24th October.

2nd member)

10.8

OFFICE OF THE SECOND MEMBER FOR COUNCIL
JAN 1937
NO 1198

203 1911 The meetings of the two Committees may be held on the 11th & 14th September respectively

MM
11/8/37

10.8

204 1912 The meetings may be called for the 21st and 22nd September respectively

MM
1/9/37

OFFICE OF THE SECOND MEMBER FOR LEGIL.
- 1 1937
NO 1805

205 1913 The Hon. member has fixed the meeting of the Select Committee on the Village Area Bill for 22nd Sept. He has also another S.C meeting on the 25th Sept. in regard to the Bill to amend C.P.C.

2nd member)

1.9

Please note, Change

2.9

206 1914 Make it 27th

MM
1/9/37

Serial No.

207/39) Sd with draft notes of the meetings of S.C.

SC 9/9. 208/39) issd by S.S

Issd NO P1464-75 dt 13/9
& NO 1476-83 dt 13/9

209/39) Hon. D. V. Gundappa has not signed the S.C reports of 27-9-37
Sd with a draft forwarding the reports for his approval.

Vide endorsement page 132 dt 8/36

TYPING SECTION 29 SEP 1937 GENL & REV. SECTT.

SC 28/9 210/39) issd by 28/9

Issued D. O no P1947 dt 2/10/37

Letter dt 12/10 from Hon D.V. Gundappa returning the reports signed with a dissenting note.

211/39) Sd. for orders if the dissenting note of Hon D.V. Gundappa may be published.

Vide endorsement page 139 dt 14/

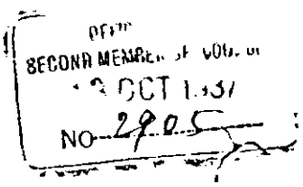
212) Messrs Dasappa and Subbaramaiah also signed subject to a note of dissent.

213) But the dissenting note

Itn. Sheet.

5 S — 2249 City Mil Bills S.C reports

File No. of 193 | General and Revenue Secretariat



have not been received
2nd) & they may perhaps be published when received.
3rd) The reports and the dissenting note of Mr Gundappa will, if approved be published now.
Subm. for orders.

Sd/ 13/10/37 (2nd member)

13/10

4th) Nil 14/10/37

5th) Copy published 15/10

6th) 20 S.C. copies for publication of the selecting Committee reports with the dissenting note of Mr. D. V. Gundappa.

Copying section for making 3 copies of S.C. or 17/10

Sd/ 20/10/37 7th)
Three copies of each taken and file put to Prot. Br.)

21/10/37

G.R.S. III—3]

Routine Notes.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

20/

In typing the G.O. about the meeting of the S.C. on the Bills to amend the city municipalities Regn. the date was wrongly typed as "Tuesday" the 27th Sep instead "Monday" the 27th Sep

Send with an Urgent minute the erratum

Sd/ 14/9/37

Sd/ 14.9.

Issued No. P. 1530-8 dt 18.9.37

G. R. S. VI—S-III/38]

APPLICATION FOR A WARRANT UNDER ACT XV OF 1903, THE INDIAN EXTRADITION ACT.

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1. Officer to whom the warrant should be issued.

2. Magistrate of the District who wants the warrant issued.

3. Name and description of accused person.

4. Where or under whose custody the accused person is supposed to be.

5. Name of the offence committed, and section of the Indian Penal Code under which the accused is charged

6. Officer to whom the accused should be surrendered.

7. Place at which the accused should be delivered.

8. Whether the accused is a British subject, a subject of Mysore, or to which State he belongs.

MYSORE GOVT. GENL. & REV. SECRETARIAT,

Bangalore.....191 .

Secretary to Govt.

W D 9253—GPB—1,000—6-2-47

Final Note by the Second Member of Council.

Subject.—

Promulgation into law of the Bills to amend the City Municipalities and Town Municipalities Acts.

On 27th October 1936, His Highness was graciously pleased to accord sanction to the introduction of Bills to amend the City Municipalities and Town Municipalities Acts relating to the method of appointing Chief Officers, Health Officers and Engineers. The Bills were accordingly introduced in the Legislative Council in June 1937 and referred to a Select Committee. The Bills as amended by the Select Committee were adopted and passed in the Legislative Council at its Session held from 24th January 1938.

I solicit the gracious sanction of His Highness to promulgate these Bills into Law.

Bangalore,
Dated 29th January 1938.

MEMBER OF COUNCIL

Submitted to His Highness.

2/2/38

I submit herewith a Final Note by the Second *Member of Council on the subject of* promulgation into law of the Bills to amend the City Municipalities and Town Municipalities Acts sanction. *for His Highness' gracious ~~approval~~.*

Mirza M. Ismail

Bangalore,
31st January 1938.

Dewan.

Record of Cases submitted for the Orders of His Highness the Maharaja.

Subject.

Promulgation into Law of the Bills to amend the City Municipalities and Town Municipalities Acts.

215
213)

Order.

~~KRW~~

3/2/38

1968 p 237

General and Revenue Secretariat

H.H.421

SUBJECT:-

Promulgation into Law of the Bills to amend the City Municipalities and Town Municipalities Acts.

(*)

31. All urgent or confidential files returned with His Highness' orders may in the absence of instructions or indications to the contrary, be ordinarily circulated to the Members of Council for perusal after the issue of orders.

33. The Secretaries concerned should see that orders in the cases referred to above are issued at once and that the files are returned immediately after to the Chief Secretary for circulation to the Members.

34. In all other cases, the files will first be circulated to the Members of Council at Head-quarters and then sent to the Secretariat concerned for the issue of orders.

226 274

Circulated to Members of Council for perusal of His Highness' orders before/after issue of orders. (*Vide Rules* 31, 33 and 34 of the Subsidiary Rules for the conduct of business of Council in the Manual of Council Rules and Procedure.)

Chief Secretary to Government.

Through the Secretary to Government,

General ..... Department. 4/2

227 225

5069 4.2.38

FIRST MEMBER OF COUNCIL.

4/2

228 226 4/2

5701 5.2.38

SECOND MEMBER OF COUNCIL. 4/2/38

Secy to Govt, Gen. Dept with compliments

7.2.38

7/2

1968

Acts amending City & Town Municipal Acts — Appointment of Officers

General and Revenue Secretariat | Legs File No. 21 of 1937. | [App. F. III—2

Serial No.	
229/247	Sund mists in Drugs under publication of the Acts.
	Sec/Gen Secy) 230/247) Secy 9/2 Leg 8.2
	231/247) circd Leg 9.2
	HO P4653 of 10/2/38 ordering the publication of Acts III & IV of 1938

GENERAL SECRETARY.
9 FEB. 1938
4455

Amendment of Regulation or issue of rules to enable Government to post Municipal Engineers, Health Officers etc., to City Municipalities.

*****:0:*****

Under Section 223 (2) of the Mysore City Municipalities Regulation, it shall be lawful for the Government to require the appointment of a Health Officer or an Engineer or both to be made by any Municipal Council.

At present the services of the Health Officers of the Health Department and Engineers of the Public Works Department are lent to the two City Municipalities. These appointments are generally ordered by Government in consultation with the Municipal Council. In the exigencies of service, it has often been found ~~to be~~ necessary to withdraw certain Health Officers and Engineers and post others in their places, without previously consulting the Municipal Council. This procedure has been objected to on several occasions ~~by~~ by the City Municipal Councils on the ground that they were not previously consulted and their contention is based on Section 234 of the said Regulation which vests the power of appointment in the Municipal Council ~~[illegible]~~ with the sanction of Government. ~~Although [illegible] the contention may be correct~~, It has been found ~~[illegible]~~ very difficult to adhere to this practice, as these transfers have sometimes to be made with the least possible delay and consultation with the Municipal

~~there~~ would mean long time. ~~be much delay in ordering transfers after getting the opinion of the Municipal Council every time~~. In the year 1930, this difficulty was recognised and the then Member of Council noted as follows:-

Connection with the Inspection Engineer for Bangalore letter

" If further difficulties arise in this or other Councils, we may have to make a provision giving wider discretion to Government in regard to such officers when they are lent officers. "

The experience gained during the last six years goes to confirm the above view and indicates the necessity for making a provision enabling Government either by amending the Regulation or issuing a rule to withdraw automatically officers posted from the Health, Engineering or other Departments and transfer others in their ~~st~~ stead in the interests of efficient Municipal administration. Very recently this step had to be taken in posting two Amildars as Manager and Revenue Officer to the Bangalore City Municipality, pending receipt of proposals from the Municipality and final orders of Government thereon.

It is accordingly considered desirable to frame a rule ~~as~~ under Section 228 (2) ~~and~~ (c) read with Section 49 b (ii) of the City Municipal Regulations, enabling Government to post provisionally officers to the Municipalities according to exigencies, pending the submission of formal proposals by the Municipal Council and the orders of

of Government thereon.

The opinion of the Committee is requested on this point.

Council. It has been found very difficult to adhere to this practice as these transfers have sometimes to be made with the least possible delay and consultation with the Municipal Council would mean loss of time. In the year 1935, this difficulty was recognised and the then Member of Council observed as follows in connection with the transfer of an Engineer to the Bangalore City Municipality:-

"If further difficulties arise in this or other Councils, we may have to take a provision giving wider discretion to Government in regard to such officers when they are lent officers."

The experience gained during the last six years goes to confirm the above view and indicates the necessity for making a provision -- enabling Government either by amending the Regulation or issuing a rule to withdraw automatically officers posted from the Health, Engineering or other Departments and transfer others in their stead in the interests of efficient Municipal administration. Very recently this step had to be taken in posting two Builders as Manager and Revenue Officer to the Bangalore City Municipality, pending receipt of proposals from the Municipality and final orders of Government thereon.

[illegible] OF THE CITY MUNICIPALITIES R[illegible] REGULATION, 1933, OR [illegible] OF RULES TO REGULATE GOVERNMENT [illegible] POST MUNICIPAL ENGINEER, HEALTH OFFICERS ETC., TO CITY MUNICIPALITIES.

Under Section 223 (2) of the Mysore City Municipalities Regulation, it shall be lawful for the Government to require the appointment of a Health Officer or an Engineer or both to be made by any Municipal Council.

At present the services of the Health Officers of the Health Department and Engineers of the Public Works Department are lent to the two City Municipalities. These appointments are generally ordered by Government in consultation with the Municipal Council. In the exigencies of service, it has often been found necessary to withdraw certain Health Officers and Engineers and post others in their places, without previously consulting the Municipal Council. This procedure has been objected to on several occasions by the City Municipal Councils on the ground that they were not previously consulted and their contention is based on Section 234 of the said Regulation which vests the power of appointment in the Municipal Council with the sanction of Government and on the assurance given by Government that such transfers would be made after informing the Municipal

It is accordingly considered desirable to frame a rule, under Section 220 (2) (c) read with section 49 b (ii) of the City Municipalities Regulation, enabling Government to post provisionally officers to the Municipalities according to exigencies, pending the submission of formal proposals by the Municipal Council and the orders of Government thereon.

The opinion of the Committee is requested on this point.

Draft Rules under Section 223 (2)(c) and 49 b(ii) & (e) of the City Municipalities Regulation 1933.

The Health Officer and the Engineer to be employed in the City Municipalities shall be officers lent by Government from the Health and P.W.Departments respectively, and Government shall have the power to withdraw any particular officer so lent and substitute another in his place.

2. The period of the officers posted to the Municipalities shall ordinarily be three years, subject to any changes that may be considered necessary during this period according to the exigencies of service.

3. Before the posting of the officers, the Municipal Council concerned will be given previous intimation thereof by the Government, which intimation will be construed as a requisition to the Municipal Council to appoint the person under Sec. 223 and the posting, when made, will be regarded as equivalent to sanction to the appointment accorded under Section 234.

4. The pay and allowances of the officers posted shall be borne and disbursed by the Municipal Cls. without demur on any ground whatsoever.

Rules regarding appointment of Health officers in Municipalities

Draft Rules proposed in this office:

1) Every city Municipal Council shall have a Health officer and a Municipal Engineer.

2) Such Health officer and Engineer shall be officers lent by Govt from their Health and Public Works Department respectively.

3) Whenever the Govt intend to lend an officer to a city Municipal council for being appointed as its Health officer or Engineer, as the case may be, they shall intimate the name of such officer to the President. It will be open to the President and the Council to make any representations that they may consider necessary. The Govt may after considering the representations, if any, made in this behalf by the President on behalf of the Municipal Council issue the necessary notification regarding the posting which shall thereafter be given due effect to by the Municipal Council in accordance with law. Provided that in an emergency, the Govt may issue the notification posting an officer without previous intimation.

Corresponding rules in the Madras Presidency.

Health officers of the I. class are members of the Provincial Service and Health officers of the II class are members of the Subordinate Provincial Service. These officers are lent to the Municipal Council for employment as Health officers.

Transfers of Health officers shall be made by the Director of Public Health, but Chairmen of Municipal Councils concerned shall ordinarily be consulted before any such transfers are ordered.

The Director of Public Health is empowered to withdraw at any time from the service of the Municipal Council any Health officer lent to it either by giving three months' notice or by providing a substitute. No such arrangement is however necessary in cases of emergency.

Draft rules proposed

4) The Health Officer or Engineer lent by Govt shall ordinarily hold office for a period of three years, but Govt may at any time in the interests of Public service withdraw any particular officer so lent and post another in his place after giving due intimation as prescribed in rule 3 above.

5) The pay and allowances of the officers lent by Govt under these rules shall be determined by Govt and be borne and disbursed by the Municipal Council. Their leave, pensions, gratuities and other matters shall be regulated by the M. S. R and the special or general orders of Govt made in this behalf.

Corresponding provision in the Madras Presidency

(Page 40 (rule 33) (page 41)

The following consolidated scales of pay have been fixed by Govt for Health officers.

I class - Rs 250-25-450-25-600. E. Bar at 450

II class Rs 100-10-300. E-Bar at 200

The whole pay will be paid in the first instance from Provincial Funds, but 25 per cent of the average cost together with proportionate leave and pensionary contribution will be recovered monthly from the Mc Councils.

The amount that has to be recovered from Mc cls in the case of first class Health officers comes to Rs 137-13-0 and in the case of second class Health officers Rs 62-8-0 p.m.

Please see also rules 6, 7, 8, 9, & 10 on page 41 13 & 14 on p. 42

Bill to amend the Mysore City Municipalities Regulation, 1933.

Whereas it is expedient to amend the Mysore City Municipalities Regulation, 1933; It is hereby enacted as follows:-

I. After Section 233 of the Regulation, the following Section shall be inserted, namely —

"233-A. Notwithstanding anything contained in this Regulation —

(a) the Govt may by notification take power to appoint the Chief officer in the case of any Municipal Council;

(b) the Govt may at any time withdraw any such Chief officer and appoint another in his place;

(c) the Govt shall have power to regulate the methods of recruitment conditions of services, pay and allowances and discipline and conduct of Chief officers appointed under clause (a)"

II. After Section 234 of the Regulation the following section shall be inserted, namely:-

"234-A. Notwithstanding anything contained in this

"Regulation —

(a) the Govt may by notification in the Gazette ~~shall have~~ power to appoint the chief officer/health officer or engineer in the case of any municipal Council;

(b) the Govt may at any time withdraw any such chief officer/health officer or engineer and appoint another in his place; and

(c) the Govt shall have power to regulate the methods of recruitment, conditions of service, pay and allowances and discipline and conduct of chief officers/health officers and engineers appointed under clause (a).

——— - - - -- 8/12/9/36 —

"234B. So long as a notification under clause (a) of sec 234A is in force, the M'c'l in respect of which such notification is made shall cease to exercise the powers under sections 233 & 234 of this Regulation.

The present legal position regarding the appointment and control of chief health officers and engineers in city municipalities is not satisfactory, ~~as Some doubt is at present felt as to the power of Govt to make these appointments in city municipalities~~. Under Sections 233(1) and 234(1) of the City Regulations, the municipal Council has power to appoint these officers, subject the sanction of Govt. In practice however, health officers and engineers ~~in the City~~ are appointed after Consultation with the City Municipal Councils. ~~concerned who by Govt these services have been kept from the~~ The City Municipal Councils have however been Contending that the power to Select & Appoint these officers should vest in them. ~~Govt Health and Public Works Departments~~. In the interests of efficiency, it is considered that important these appointments should be under the control of the Govt. The new sections enables the Govt to take ~~Govt~~ power to appoint the chief officer, and control the health officer and the engineer in the case of any city municipality.

~~Working~~ The Public Health & Public Works depts to be selected by Govt and

and that their recruitment should be from the regular cadre of the Depts Concerned.

12/9/36

Bill to amend the Mysore Town Municipalities Regulation, 1933

Whereas it is expedient to amend the Mysore Town Municipalities Regulation, 1933; It is hereby enacted as follows:-

1. After Section 209 of the Regulation the following shall be inserted, namely:-

"209-A. Notwithstanding anything contained in this Regulation -

(a) the Govt ~~shall take power~~ may, by notification, take power to appoint the Chief officer in the case of any Municipal Council

(b) the Govt may at any time withdraw any such Chief officer and appoint another in his place; and

(c) the Govt shall have powers to regulate the methods of recruitment Conditions of service, pay and allowances and discipline and Conduct of Chief officers appointed under clause (a).

"209-B. So long as a notification under clause (a) of Section 209-A is in force, the Municipal Council in respect of which such notification is made, shall cease to exercise the power under Section 209 of this Regulation."

Statement of objects and reaso

The present legal position in regarding the appointment and control of Chief officers in Town Municipalities is not altogether satisfactory. Under Section 209 of the Town Municipalities Regulat 1933, the Municipal Council has power to appoint these officers, subject to the sanction of Govt. In practice, however, Chief officers are appointed by ~~the interests of efficiency of~~ Govt. ~~But in order to ensure that the appointments made by Govt are beyond dispute, it is proposed to amend Act.~~ In the interests of efficiency it is considered that the appointment of Chief officers should be under the control of Govt. The new sections enable Govt to take power to appoint and control the Chief officer in the case of any Town Municipal Council.

17/11/36

Bill to amend the Mysore Town Municipalities Regulation, 1933.

....

Whereas it is expedient to amend the Mysor Town Municipalities Regulation, 1933; It is hereby enacted as follows:-

1. After Section 209 of the Regulation, th following shall be inserted, namely:-

" 209-A. Notwithstanding anything containe in this Regulation-

(a) the Government may, by notification, take power to appoint the Chief Officer in the case of any Municipal Council,

(b) the Government may at anytime withdraw any such Chief Officer and appoint another in his place and

(c) the Government shall have power to regulate the methods of recruitment, conditions of service, pay and allowances and discipline and conduct of Chief Officers appointed under clause (a).

" 209-B. So long as a notification under clause (a) of Section 209-A is in force, the Municipal Council in respect of which such notification is made, shall cease to exercise the power under Section 209 of this Regulation.

26/11/36

Statement of ~~Objects and reasons~~ general principles objects & reasons.

....

The present legal position regarding the appointment and control of Chief Officers in Town Municipalities is not altogether satisfactory. Under Section 209 of the Town Municipalities Regulation 1933, the Municipal Council has power to appoint these officers subject to the sanction of Government. In practice, however, Chief Officers are - appointed by Government. In the interests of efficiency it is considered that the appointment of Chief Officers should be under the control of Government. ~~The~~ new ~~sections~~ clauses ~~enable~~ give power to take power to appoint and control the Chief Officer in the case of any Town Municipal Council.

26/11/36

Bill to amend the Mysore City Municipalitie Regulation, 1933.

Whereas it is expedient to amend the Mysore City Municipalities Regulation, 1933; It is her enacted as follows:-

I. After Section 234 of the Regulation, the following section shall be inserted, namely:-

" 234-A - Notwithstanding anything containe in this Regulation -

(a) the Government may, by notification, take power to appoint the Chief Officer, the Health Officer or the Engineer in the case of any Municipal Council;

(b) the Government may at any time withdra any such Chief Officer, Health Officer or Engin and appoint another in his place; and

(c) the Government shall have power to reg late the methods of recruitment, conditions of service, pay and allowances and discipline and conduct of Chief Officers, Health Officers and Engineers appointed under Clause (a).

" 234-B - So long as a notification under Clause (a) of Section 234 A is in force, the Municipal Council in respect of which such notification is made, shall cease to exercise the powers under Sections 233 and 234 of this Regulation ".

25/11/36

Statement of objects and reasons.

The present legal position rega
the appointment and control of Chief O
Health Officers and Engineers in City Municipalities is not satisfactory. Under Sections 233 (1) and 234 (1) of the City Municipalitie Regulation, 1933, the Municipal Council has power to appoint these officers, subject to the sanction of Government. In practice, howeve Health Officers and Engineers ~~working in Public Health and Public Works Departments~~ ar selected by Government and appointed ~~after~~ consultation with the City Municipal Counci.. The City Municipal Councils have, however, been contending that the power to select and appoi these officers should vest in them. In the interests of efficiency, it is considered that these important appointments should be under the control of the Government and that ~~their recruitment should be~~ from the regular cadre of the Departments concerned. The new section enables the Government to take power to appoint and control the Chief Officer, the Health Officer and the Engineer in the case of any City Municipality.

Encl to para 196

79

Statement of General Principles.

Of the Bill to amend the Municipalities Regulation

The present legal position regarding the appointment and control of Chief Officers, Health Officers and Engineers in City Municipalities is not altogether satisfactory. ~~Under Sections 233 (1) and 234 (1) of the City Municipalities Regulation, 1933, the Municipal Council has~~ power to appoint these officers, ~~subject~~ to the sanction of Government. In practice, ~~however~~, Health Officers and Engineers are selected by Government and appointed as such generally in consultation with the City Municipal Councils. The City Municipal Councils have, however, been contending that the power to select and appoint these officers ~~should~~ vest in them. In the interests of efficiency, it is considered that these important appointments should be under the control of the Government and that they should be filled by posting officers from the regular cadre of the Departments concerned. The new sections enable the Government to take power to appoint and control the Chief Officer, the Health Officer and the Engineer in the case of any City Municipality.

BILL TO AMEND THE MYSORE TOWN MUNICIPALITIES REGULATION, 1933

Whereas it is expedient to amend the Mysore Town Municipalities Regulation, 1933; It is hereby enacted as follows :-

1. After Section 209 of the Regulation, the following shall be inserted, namely :-

" 209-A. Notwithstanding anything contained in thi Regulation -

(a) the Government may, by notification, take power to appoint the Chief Officer in the case of any Municipal Council,

(b) the Government may at any time withdraw any such Chief Offifer and appoint another in his place and

(c) the Government shall have power to regulate the methods of recruitment, conditions of service, pay and conduct of Chief Officers appointed under clause (a).

" 209-B. So long as a notification under clause (a) of Section 209-A is in force, the Municipal Council in respect of which such notification is made, shall cease to exercise the power under Section 209 of this Regulation.

BILL TO AMEND THE MYSORE TOWN MUNICIPALITIES REGULATION, 1933

Whereas it is expedient to amend the Mysore Town Municipalities Regulation, 1933; It is hereby enacted as follows :-

1. After Section 209 of the Regulation, the following shall be inserted, namely :-

" 209-A. Notwithstanding anything contained in this Regulation -

(a) the Government may, by notification, take power to appoint the Chief Officer in the case of any Municipal Council,

(b) the Government may at any time withdraw any such Chief Offifer and appoint another in his place and

(c) the Government shall have power to regulate the methods of recruitment, conditions of service, pay and conduct of Chief Officers appointed under clause (a).

" 209-B. So long as a notification under clause (a) of Section 209-A is in force, the Municipal Council in respect of which such notification is made, shall cease to exercise the power under Section 209 of this Regulatio

Statement of Objects and Reasons.

The present legal position regarding the appointment and control of Chief Officers in Town Municipalities is not altogether satisfactory. Under Section 209 of the Town Municipalities Regulation 1933, it is possible to hold that the Municipal Council has power to appoint these officers subject to the sanction of Government. In practice, however, Chief Officers are appointed by Government. In the interests of the efficiency of the Municipal services it is considered that the appointment of Chief Officers should be under the control of Government. Under the proposed new clauses Government may take power to appoint and control the Chief Officers in the case of any Town Municipal Council.

Bill to amend the Mysore City Municipalities Regulation, 1933.

Whereas it is expedient to amend the Mysore City Municipalities Regulation, 1933 it is hereby enacted as follows:-

1. After section 234 of the Regulation the following section shall be inserted, namely:-

"234.A. Notwithstanding anything contained in this Regulation -

(a) the Government may, by notification, take power to appoint the Chief Office the Health Officer or the Engineer in the case of any Municipal Council;

(b) the Government may at any time withdraw any such Chief Officer, Health Officer or Engineer and appoint another in his place; and

(c) the Government shall have power to regulate the methods of recruitment, conditions of service, pay and allowances and discipline and conduct of Chief Officers, Health Officers and Engineers appointed under clause (a).

"234.B. So long as a notification under Clause (a) of Section 234 A is in force, the Municipal Council in respect of which such notification is made, shall cease to exercise the powers under sections 233 and 234 of this Regulation."

Statement of ~~General principles of the~~ objects and reasons

~~Bill to amend the~~ Mysore City Municipalities ~~Regulation.~~

The present legal position regarding the appointment and control of Chief ~~Engineers~~ Officers, Health Officers and Engineers in City Municipalities is not altogether satisfactory. In practice, Health Officers and Engineers are selected by Government and appointed as such generally in consultation with the City Municipal Councils. The City Municipal Councils have, however, been contending that under Sections 233(1) and 234(1) of the City Municipalities Regulation the power to select and appoint these officers is vested in them subject to the sanction of Government. In the interests of efficiency, it is considered that these important appointments should be under the control of the Government and that they should be filled by posting officers from the regular cadre of the Departments concerned. The new sections enable the Government to take power to appoint and control the Chief Officer, the Health Officer and the Engineer in the case of any City Municipality.

Statement of general principles.

Of the Bill to amend the Mysore Town Municipalities Regulation, 1933

The present legal position regarding the appointment and control of Chief Officers in Town Municipalities is not altogether satisfactory. Under Section 209 of the Town Municipalities Regulation 1933, it is possible to hold that the Municipal Council has power to appoint these officers subject to the sanction of Government. In practice, however, Chief Officers are appointed by Government. In the interests of efficiency it is considered that the appointment of Chief Officers should be under the control of Government. The new sections enable Government to take power to appoint and control the Chief officer in the case of any Town Municipal Council.

NOTIFICATION.

No. 4332—L. C., Bangalore, dated 26th May 1937

Under Rule 8 of the rules for the conduct of business of the Mysore Legislative Council, the accompanying Bill to amend the Mysore City Municipalities Regulation, 1933, is published for general information with the statement of objects and reasons.

By Order,
A. SUNDARARAJA RAO
Secretary,
Mysore Legislative Council.

Bill to amend the Mysore City Municipalities Regulation, 1933.

Whereas it is expedient to amend the Mysore City Municipalities Regulation, 1933; It is hereby enacted as follows:—

1. After Section 234 of the Regulation, the following section shall be inserted, namely:—

"234-A. Notwithstanding anything contained in this Regulation—

(*a*) the Government may, by notification, take power to appoint the Chief Officer, the Health Officer or the Engineer in the case of any Municipal Council;

(*b*) the Government may at any time withdraw any such Chief Officer, Health Officer or Engineer and appoint another in his place; and

(*c*) the Government shall have power to regulate the methods of recruitment, conditions of service, pay and allowances and discipline and conduct of Chief Officers, Health Officers and Engineers appointed under Clause (*a*).

"234-B. So long as a notification under Clause (*a*) of Section 234-A is in force, the Municipal Council in respect of which such notification is made, shall cease to exercise the powers under Sections 233 and 234 of this Regulation."

BILL TO AMEND THE MYSORE CITY MUNICIPALITIES REGULATION, 1933.

(a) Motion that the Bill published under Rule 8 of the Rules of Business be read in Council.

The SECOND MEMBER (Rajamantrapravina N. Madhava Rao).-Sir, I beg to move that the Bill published under Rule 8 of the Rules of Business be read in Council.

Bill to amend the Mysore City Municipalities Regulation, 1933

As I pointed out with reference to the last Bill for amending the Town Municipalities Regulation, this Bill is also intended to regularise an existing practice and not to make any innovation at the expense of local self governing bodies. With regard to the appointment of Health Officers the case for provincialisation and centralised control is irresistable. Dr. Sweet who has had very intimate acquaintance with our health problems and health organisation stated as follows in a report submitted to Government in January 1934:-

"The attitude that public health problems are not of a technical natur and may safely be left to become the playgrounds of local authority theories and politics would seem to be a growing one. There could be no more serious error and this attitude, if persisted in, will certainly result in such chaos and confusion in policies, staffs, and activities as will set back for many years the progress of a real public health development in Mysore State. It cannot be too strongly emphasized that, in a province the size of State, a strong and well orga central Department of Heal

is necessary. Such a department should be responsible for the policy to be pursued in the development of public health work by local authorities: the qualifications, training, standards of work, and the discipline of all personnel: and should, when necessary, take over and administer local public health organisation. All personnel engaged in health work, including sanitary inspectors, vaccinators, and such other technical staff as may later develop, should be on the roles, and subject to the authority of the Mysore State Department of Health, if confusion and inefficiency are to be avoided. Further the function of the local authority should be limited to financial aspects, the methods to be pursued in attacking any public health problem being left to the Department."

In this respect too the practice in Madras Presidency District Municipalities Act was amended in order to secure a properly organised public health service on a provincial basis. The Central Advisory Board of Health which was opened last month by His Excellency the Viceroy passed a resolution to the following effect:

"That all Governments should (a) form provincial public health services (b) require municipalities

Bill to amend the Mysore City Municipalities Regulation, 1933

As I pointed out with reference to the last Bill for amending the Town Municipalities Regulation, this Bill is also intended to regularise an existing practice and not to make any innovation at the expense of local self governing bodies. With regard to the appointment of Health Officers the case for provincialisation and centralised control is irresistable. Dr. Sweet who has had very intimate acquaintance with our health problems and health organisation stated as follows in a report submitted to Government in January 1934:-

"The attitude that public health problems are not of a technical nature and may safely be left to become the playgrounds of local authority theories and politics would seem to be a growing one. There could be no more serious error and this attitude, if persisted in, will certainly result in such chaos and confusion in policies, staffs, and activities as will set back for many years the progress of a real public health development in Mysore State. It cannot be too strongly emphasized that, in a province the size of this State, a strong and well organised central Department of Health is

and local boards to appoint medical officers of health (c) lay down suitable conditions for recruitment, qualifications and terms of service of health officers. The Board furthe recommends, where Local Governments do not possess these powers, that necessary legislation should be passed with the least possible delay'

There can be no doubt that thi advice will be widely adopted. It will thus be seen that the proposal embodied in the Bill before the House is in consonance with the existing practice in the State and with the trend of recent as well as prospective legislation in British Indian Provinces. With regard to the Municipal Engineers and Chief Officers also, the advantages of provincialisation are evident. The select committee which reported on the Madras Bill by which a simila change was made in Municipal Law stated as follows:- "We are of opinion that in the interests of efficiency the appointment of Health Officers and Engineers in Municipalities and District Boards should be under the control of the Local Government and that the provisions of the Bill are on the right lines. In the minutes of the dissenting members it was suggested that the

Bill should be made applicable to Assistant Engineers and Assistant Health Officers and to at least the heads of the clerical departments

It will therefore be realised that there is nothing reactionary about this measure. It is calculated to improve the efficiency of the municipal service on lines which have gained, or are gaining general approval throughout India.

THE SECRETARY TO GOVERNMENT, DEVELOPMENT DEPARTMENT (Mr.M. Venkatanaranappa).-Sir, I beg to second the motion.

Mr. H.C. DASAPPA.-As only to be expected, I may be permitted to lay my humble and emphatic protest against the motion of the hon.Second - Member. We have been agitating, sir, in the first place, that the powers conferred by the existing City Municipalities Regulation on the municipal councils are not by any means such as to secure true local self-government to the bodies concerned. In the second place, what,in my humble opinion,is infinitely worse, we have been contending that even the too meagre powers vested in the local bodies are being curtailed and crippled to an enormous extent by the Government in its day to day application. One such thing is to be found in that subject which has necessitated the placing of the bill before this House. The hon. Second Member has been pleased to say that the present legal position regarding the appointment and control of the Chief Officers, Health Officers and Engineers is not altogether satisfactory, a statement which I expected him to support by reference to the provisions in the existing Regulation. He has not chosen to point out any - provision where there is any matter which leaves the legal position in doubt. I contend, sir, that the provisions of the Regulation are absolutely clear and they leave no doubt whatever as to the relative positions of the Government and the of the municipal councils concerned. If there is

anything

anything which is not very clear, it is certainly open to the hon. Second Member of Council to point out where it lacks clarity. It seems to me that the reasoning has been adopted only to gather or to secure support to a measure which I can only characterise as one of the most reactionary and retrograde measures ever brought on the Floor of the House. We have been clamouring, sir, tha the powers have to be widened, and this bill comes, more or less, as a bolt from the blue and wants to practically tie the hands and feet of the municipal council to an extent which no measure relating to any local self-government would ever contemplate. The main thing is, in whom should the power of appointing the Chief Officers, Health Officers, and the Municipal Engineers should vest. The bill that is brought before the House now relates to the City Municipal Councils. The provision that is now in force according to the present Regulation is this:

> "That any municipal council may, with the sanction of the Government, appoint a **Municipal Engineer**,.....or any one or more of such officers, whether permanently or temporarily."

That is a very clear provision. I want to ask the hon. Second Member as to what difficulties he has experienced in the actual working of that provision. Whenever a city municipal council is in need of a **Health** Officer or an Engineer, the usual practice is to ask the Government to give them a hand either for the Health Officership/or the Engineership. It is open for the Government to suggest a panel of names Engineership. It is open to

to suggest a panel of names and it is then that the municipal council thinks of selecting one or another. This is a Regulation which was passed early in 1933 and has come into force in August of that year, a new Regulation which was definitely and positively intended to confer wider powers on these municipal councils. When the Government with a definite objective conferred these wider powers, ~~have given this power to~~ on the municipal council, why is it then within 3 or 4 years the Government ~~is~~ are anxious to snatch away the power?

Mr. N. MADHAVA RAU.-Does the hon. Member contend that this was a power given in the 1933 Regulation? The Member referred to it as if it was a liberalising provision introduced in 1933.

Mr. H.C. DASAPPA.-What I say is that the 1933 Regulation was intended to confer still wider powers. I still maintain that that Regulation was an improvement over the old Regulation.

Khan Bahadur MAHOMED ABBAS KHAN.-Not in this respect.

Mr. H.C. DASAPPA.-It may be; but the Regulation, as a whole, was conceived in a fairly liberal spirit, though not in as much of a libera spirit as we desire it to be. In fact, the hon. Member will remember that when the select committee's report had come up before the

House, the hon. Mr. Subbarama Chetty and myself had

had tabled a number of amendments intended to further liberalise it. But my hon. Friend was unable to be present that day and all my efforts went practically in vain. I cannot expect anything better knowing how the House is constituted. It is impossible for a private Member to get through anything in this House if only the Government makes up ~~its~~ their mind to oppose it. All that I intended to convey was that this provision was intended to further liberalise the grant. This Section was there before 1933 and what is it that the Government are trying to do now? Not only to go back upon the powers conferred in 1933, but they want to go back on the powers conferred on the municipal council much earlier. The real gravamen of the charge is that years ago, this power was conferred on the municipal council and to-day the Government want to withdraw that power. I ask whether it is conducive to the growth of local self-government. They say that local self-government is a preparatory field for the exercise of larger powers in the case of responsible government. I do not know whether it is because the goal is absent here that the Government think of tightening up these powers with respect to local self-government. My submission is that so far as this is concerned, I do not think you have found any municipal council creating any kind of troubles so far as the Government are concerned. It is only when the Government regardless of this provision and deliberately chooses to ignore the provision that the municipal councils have protested against such a thing as that. If only the Government have been pleased to consult the municipal council

municipal council with reference to the transfer or appointment of these people, I do not think that at any time the Government would have experienced any difficulty or so whatever. So, on the main principle itself, this bill is very reactionary. I earnestly hope that the Government will not try to force it through against the opposition of the non-official section of this House.

I think the hon. Member has got the opinion of the Mysore City Municipal Council with regard to this piece of legislation. That council has expressed itself unequivocally and unanimously against this bill. There was not a single dissentient voice. It is not only a question of the ~~xixxx~~ status of a local self-government body; it not only involves the question of self-respect of that body, but I say that it would be a thing which would not lead to any greater efficiency. It is a thing which would be creative of unnecessary friction and it is a thing which would be undesirable from all aspects of view.

I therefore, without stating anything more at this stage, request that the House, so far as the non-official section is concerned, should not support the bill.

Khan Bahadur MAHOMED ABBAS KHAN.-Sir, the municipal administration has become more and more a business matter for experts in such sciences as Engineering and Sanitation. In the interests of the municipality, it is very necessary that the services of efficient officers must be ~~entertained~~ obtained. Then there must be a central authority to control the appointments of such experts. Since the Government have been maintaining a regular cadre of very many efficient officers, both Sanitary and Engineering experts, it is nothing but right that the Government should have full freedom to appoint such officers to municipalities considering the local needs and the important work they have to do in certain areas. Since this is a measure to be adopted in city municipalities ~~xxxx~~ of which there are only two now ~~of~~ Bangalore and Mysore, I beg to submit that, according to the present practice, such appointments ~~are being~~ might be continued to be made, in consultation with the municipalities, by the Government themselves. I would submit that the powers should be either with the Government or with the municipality and there should be no middle way. My experience is that consultation has often resulted in very many unhappy consequences. There is always a different point of view. Taking the case of the Bangalore City Municipality, sir, whenever a suggestion was made for the appointment of a Health Officer, the usual plea putforward is "our financial position does not permit us to entertain any highly paid officer." I should think this attitude ignored the proximity

of the Civil and Military Station wherein there is also an important military station and a very large number of European population living and so we do require the services of a highly qualified ~~xffixxx~~ Health Officer. Comparing the salaries of Health Officers, we find in Cantonment he gets Rs.800 to Rs.1,000/- as against our salary of Rs.150 to Rs.700/-. I really cannot under-stand the meaning of a municipality saying that a Health Officer on Rs.400/- will do. This officer will be required to often visit the Cantonment to consult with the Health Officer of the Civil and Military Station to devise suitable measures in respect of problems affecting the health of both the city and the cantonment. It is to provide for all such contingencies that this measure has been introduced so that the Government might have complete powers in the matter of appointing suitable officers.

Taking the alternative, let us suppose for a time that the municipal council is vested with the power, and these officers are appointed by them directly. What would happen is, these officers would be very often subjected to factious influence. That must be avoided. The municipality may have all the privileges and all the powers to exercise; but in the matter of appoin the permanent cadre officers, the municipality should not interfere. I may quote for the information of this House an instance which took place not long ago in a municipality. The municipal council decided to invite applications for the

municipal

Municipal Advocate's post, the term of the previous incumbent having almost expired. And it is within our common knowledge that an intensive propaganda was carried on for the canvassing of votes.

Mr. H.C. DASAPPA.-By whom?

Mr. MAHOMED ABBAS KHAN.-By the prospective candidates and their partisans.

I do not want to say that some of them were members of the municipal council. It is not for me to say so; it ought to be within the knowledge of people living in the City of Bangalore And what was the result? When the idea was that an election had to take place, a member had the pleasure to rise and move a proposition that the election need not take place and that the previous candidate, the man whose term had expired, might be permitted to continue for another term.

Mr.H. SIDDAIYA.-Because, he was found to be efficient.

Mr. MAHOMED ABBAS KHAN.-Yes, and not after calling for application and not at the time of balloting and deciding who was the successful candidate? Anyhow, the municipal council, rightly enough, refused to accept that proposition, and it fell through. Then, as soon as the results were announced that a certain candidate had been elected one of the councillors who felt aggrieved because his nominee did not come in, at once moved a proposition that the new man should not be permitted

to

to take charge for a period of six months. And the wonder is that the municipal council carried that resolution by a majority!

Now, I ask my Friends to consider whether it would be right to subject officers of the permanent cadre to the likes and dislikes of and the mercy of such votes. No, sir.

It was remarked by the previous speaker that the Government were curtailing the powers and privileges of self-governing bodies and crippling them. But I would tell my Friends it is not at all the case. You will see that from the village panchayat up to the highest local body, every one has got the privilege of electing its own members and the village panchayat can elect its own chairman for a term of three years. As many as 600 village panchayats have been given this privilege. We are thankful to the present Government for this. In the District Boards, formerly the dominating authority was the Deputy Commissioner; but it was due to Sir Mirza Ismail and his associates that we are able to find out that there are in our State men who can be trusted with responsible functions like those of the presidentship of District Boards, which they were not enjoying till now. What is the result? All the District Boards are being presided over by non-official Presidents. When the Government have given us so many privileges, still with what grace can we say that the Government are crippling the powers of the municipal councils?

Mr. H.C. DASAPPA.-How many years ago was it?

Mr. MAHOMED ABBAS KHAN.-If my Friend is anxious to know it, he must refer to the Government Order, which is not meant to be kept in almirahs but to be read. I may, however, say that it was after the present Dewan assumed his charge of ~~the~~ exalted position that the District Board Regulation was brought into force and not previous to that.

Then there is one important thing to which I shall draw the attention of the hon. previous speaker, viz., that Sections 233 and 234 of the Municipal Regulation give the power to the municipality to remove even the officers appointed by the Government by obtaining a majority of 2/3rds of the votes. So long as that weapon is given to the municipal council and so long as the Government have not interfered with it, what is the apprehension? By obtaining the prescribed number of votes all these officers, viz., Health Officer, Engineer, Chief Officer, as well as the Municipal Commissioner, could be removed. So long as they have got this power and so long as the Government do not contemplate to take it away, there is no room for apprehension. If the Government should ever bring a measure to take away such a power, I will be the first to oppose it. I am one with the House in desiring that the powers and privileges of local self-governing bodies should increase to a very large extent. I know it is a training ground for non-officials and whatever opinion the non-officials may have regarding th

appointments

appointments, they ought not to interfere but leave it to a central authority which has been maintaining a regular cadre of trained officers.

Supposing the municipality is given the power to appoint an officer. Then after appointing such an officer, what is to become of his fate if he does not give satisfaction? Where is the scope for the municipality to transfer him? If they were to remove him all at once, there will be a civil suit for damages and the point that will be raised will be whether he has discharged his functions satisfactorily or not. And that will be a debatable point. So, in the interest of efficiency, because the municipality cannot be expected to create a cadre, though they may secure the services of a graduate by means of advertisement, it is always better to depend upon the Government. Give them the power to make these appointments and if the man sent to you does not satisfy your requirements, make a reference to the Government. If the Government do not accede to your proposal, it is open to you to obtain a vote in the municipal council for his removal. So, what is asked for in the bill is, after all, a small power, and if you go through the provision of ~~this~~ the Municipal Regulation, you will find that the Government have got powers in very many important matters. Why should we hesitate to give this power to them? Even as it is, the Government could exercise this power under a certain Section; but as the hon. Mover has put it rightly, it is to put the matter beyond debate and suspicion,

that

that it is felt that there must be a clear provision in the Municipal Regulation. That is the object in view.

Mr. H.C. DASAPPA.-How can you do it now?

Mr. MAHOMED ABBAS KHAN.-The Government can repeal the bye-laws of a municipality; they can order that no buildings shall be constructed in certain areas or zones; it is competent for them to acquire a property which is vested or vesting in a municipality; and then, the Government can supersede a municipality. When the Government have got such vast powers already, why not give this small power to them and that when it is intended to give the municiaplities the services of efficient officers?

In conclusion, I must congratulate the Government for having brought up this measure and putting an end to all the unhappy correspondence in the future. Therefore, in the interest of municipal administration, I would ask the hon. Members to pass this bill and to make the municipal administration more and more efficient day by day. It is a business proposition for experts and how can the municipality, individually or singly, expect to entertain such experts in their service. There must be a central authority and the Government being such a central authority, it is nothing but right that the Government should have the power to appoint such officers.

Mr. K.R. SUBBANNACHAR.-The only question to be decided in this case is whether the amendment proposed is or is not in consonance with the spirit of the Regulation or whether it contravenes some of the sections of the Regulation. There is no meaning in imagining that municipal councils are sovereign bodies and the Government are interfering with them. My Friend Mr.Balakrishnaiya lectured to us this morning about the sovereign power of municipal councils. I am afraid even our own Government have not got sovereign powers and to maintain that municipal councils have any sovereign power at all is nothing but an imagination. Unfortunately, the present Municipal Regulations, ~~both~~ relating to the cities as well as the towns, give us very little power. As long as these Regulations are in force, there is no point in opposing the amendments that are brought to explain some of the Sections of those Regulations. My Friend Mr. Dasappa should not in the least imagine that I am not for getting more powers from the Government. I may tell him -- and he may not know it -- that I have been a member of a municipal council~~lor~~ for 12 years and its non-official Head for a number of years. I know the difficulties. I can say at the outset that the present Municipal Regulations do not confer at all any power on the municipal councils. So until we get the principles of those measures amended -- Government takes probably some time --there is no meaning in our objecting to any amending bill that is brought forward by the Government to explain some of the provisions there. But there is one great advantage in

the working specially of this amendment: when once the officers know that they are above the vote of the municipal council or above the control of the President, chances might arise when they might treat with indifference, if not with contempt, the representations of the municipal council.

N. MADHAVA RAU.-
Mr. ~~S.P.-RAJAGOPALACHARI.~~-But the powers are unaffected. It is only the mode of appointment that is to be changed.

Mr. K.R. SUBBANNACHAR.-I understand that. But I would like to suggest one other thing, i.e., the power may vest with the Government but they must empower the Council to make a recommendation to them that such officers might be transferred if they do not want them.

Mr. N. MADHAVA RAU.-It is open to them to do it at any time.

Mr. K.R. SUBBANNACHAR.-My submission is: when once officers know that they are above the vote and not under the control of the municipality, some of them, at any rate, may treat our recommendations with some contempt. I would like to submit, therefore, that in case 2/3rds of the municipal council passes a resolution.....

Mr. N. MADHAVA RAU.-It is in the Regulation already and that provision will remain unaffected.

Mr. H.C. DASAPPA.-Is is there.

Mr. K.R. SUBBANNACHAR.-I am surprised even when there is such a provision that Mr. Dasappa should have opposed the bill. I have read only

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the Town Municipalities Regulation and I have not gone through the City Municipalities Regulation at all. I am not a little surprised, therefore, that Mr. Dasappa should have opposed this bill even when there is such a safeguard.

I have absolutely no objection in saying that nobody can have any objection to passing this bill. We may not be able to take upon ourselves the appointment of ~~of~~ all officers. If we do not want them, we are free to pass a resolution to that effect. What I say is there is no amendment to such a position at all. We are losing nothing. The difficulty comes only when we are thinking that we, in the municipality, are a sovereign body. When once we enter the municipal councils we think we are the Rulers of the State. But our powers are very limited. We can do some good to the people as long as we act up to the provisions. There is no meaning in over-stating our powers. I do not see any harm in passing this bill. Therefore, I give my whole-hearted support to it.

Mr. P. SUBBARAMA CHETTY.-As representing the City Municipal Council of Bangalore, I feel it my duty to oppose this piece of legislation. I think this is a retrograde step taken by the Government. No doubt, as Khan Bahadur Mahomed Abbas Khan pointed out, it was the policy of the Government to give more and more powers to the local bodies. Even our village panchayats have been given the privilege of electing their own Chairmen. But of late, I see a change. Some of these measures go to show that they want to take back what they have once given. In the amended Regulation, it is clearly stated that the power of appointing these officers vests in the municipal council. In spite of the municipal council having the power of appointment they do not make the appointments. On the other hand, they gladly took to the service of the municipality those who were appointed by the Government. What the municipal council wanted was that before the appointment was made, the Council should be consulted or a panel of names should be sent to them. This practice has worked satisfactorily and I do not see why there should be a change. If at all, on any occasion, a protest has been made by the municipality, it was only on the occasion when the panel of names had not been sent to the municipality for selection. I therefore see no necessity for withdrawing the powers once given to the municipal council. Generally, the municipal councils are called as local self-government institutions. Hereafter I do not see how we can use that word, when the powers that had been vested in the council are

the Council are being withdrawn and even when the appointments of officers are made by the Government. When the municipal council has no power of appointing its own employees, I cannot understand how this can be called a local self-government institution. It may be properly called one of the departments of the Governmemt. (Hear, hear.)

It was pointed out that there were certain provisions in the Municipal Regulation regarding the removal of officers like the Engineer, Health Officer and Municipal Commissioner, by passing a vote of censure or vote of no-confidence. But that requires a very big majority of 20 Councillors in case the strength of the council is 30. It is within the common knowledge of every one that there are nominated councillors also; and especially in such cases, the nominated councillors do not agree with the views of elected councillors. So, it is next to impossible to get an overwhelming majority of 20 councillors. I could understand if all the councillors had been elected members, it might be possible. In the annals of the city municipal councils of either Bangalore or Mysore, there has been no precedent of this kind, i.e., passing a vote of no confidence against any officer for removing him. So, if it is only for the sake of argument, it is all right. But in practical politics, it is impossible. There are instance in the City Municipal Council of Bangalore where Engineers have been appointed by the municipality itself without borrowing the services of any officer from the Government. For instance, Mr. T. Ramachandra was in the municipal service for a number of years. He did satisfactory work and it is not impossible for

the municipality to get efficient people on decent salaries and in case they want, they may even request the Government to send their own officers. But why should the municipality lose their power? I feel surprised that Khan Bahadur Mahomed Abbas Khan who once adorned the presidential chair for a number of years and who had experience in the administration of a city municipality ~~xxx~~ should express an opinion which is just opposed to public opinion. I have, therefore, no alternative but to oppose this bill.

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Mr. D. V. GUNDAPPA.-I do not think it is in question whether the Government should have power to enforce the appointment of certain officers by a municipality. In England, I understand sir, that the Parliament has made it obligatory that all local bodies should maintain a particular class of officers very necessary for the performance of those ~~primary~~ important and essential functions, which are the primary duties of ~~the~~ a municipality. ~~So that~~, there is no dispute as to the right of this House ~~passing~~ to pass a law requiring that our local self-government institutions should maintain a set of officers of a particular class and also about the ~~fact~~ view that if any local self-government institution failed for any reason whatever to maintain such officers, the Central Government should have the power to compel that municipality to maintain that class of officers. I think there has been unnecessary discussion going on about this point. There is really no dispute about it all. ~~The~~ Officials ~~&~~ non-officials, I would say, are generally in agreement ~~with that view~~ so far. But if the appointment has to be made, who should have the initiative? That is all the question. Section 234 says:

> "Any municipal council may, with the sanction of the Government, ~~xxxx~~ appoint a health officer and an engineer or any one or more of such officers, whether temporarily or permanently."

Now, it is clear from this that the initiative for making the appointment ~~with~~ of a necessary officer lies, according to this Section, with the municipality in the first instance. If the municipality fails, then the Government

has

has the power of remedying. It is only remedial powers that properly belong to a Government and certainly not the powers of initiative. This is all the point. Under the proposed ~~bill~~ legislation this power of initiative would be transferred from the municipality to the hands of the central government. And that is what I object to as one interested in the development of self-government in the State. The essential principle of local self-government, as I understand it, is that local public spirit should be worked upon, that local enthusiasm should be worked upon, that the representatives of the population of the place should be persuaded and taught to help themselves; that, on the other hand, they should not be spoon-fed or that they should not be coerced into the ways of the bureaucracy. This is all the difference.

The other day, when I was speaking about the budget, I referred to the views of Diwan Rangacharlu. He ~~used to say that~~ said in his R-A Speech of 1882:- "Government officers themselves required ~~such~~ as much education in the matter as the less informed representatives of the people; and ~~an~~ earnestness on their part to promote ~~that is as part of the officials;~~ the public interest, not to mention considerations of personal distinction and importance, beget a desire to ~~devise~~ and carry out what appears to them useful ~~purposes~~ works. And this is not unnaturally, followed by intolerance of difference of opinion or opposition from others. ~~They~~ They have to give way to the higher qualities of a patient and watchful interest in the proceedings of others, which they must be content to guide and direct by advice

advice and suggestions without any abatement of their earnestness to promote public interests.... In short, what he says is wanted is that the people should be enabled to work out the results for themselves and not that the Government should do away the work for them." This is the essence of the system of local self-government as expressed by Diwan Rangacharlu more than 50 years ago.

Mr. S.P. RAJAGOPALACHARI.-May I know from what that is quoted?

Mr. D. V. GUNDAPPA.-That is a quotation from the speech of Diwan Rangacharlu delivered to the Mysore Representative Assembly, in 1882.

This bill, it seems to me, is a direct violation of this principle of letting the people learn by their own experience. The Government's business is to help, to persuade and in the case of a recalcitrant municipality, a municipality which is refractory, which is stubborn, which is intolerable, the Government certainly have the power, even under the existing law, to supersede it or otherwise punish it. It is only in the case of such a municipality that the Government would be entitled to apply punitive measures. But in the case of a normally functioning municipality and even in the case of a municipality which has erred for the first time or the second time, what is due from the Government is warning, correction, persuasion, not direct interference. Sir, this bill makes such direct interference possible. Therefore consider it obnoxious to all who love and have faith in the system of local self-government. It seems to me that this bill, if it is

forced down the throat of this House, should at least have one modification. I would respectfully suggest it for the consideration of the Government. If, after clause 234 A, a proviso is introduced somewhat like this, probably that would take away the rigour of the bill:

> "Provided that, before taking action in this matter, the Government shall consult the municipal council concerned and shall appoint a person chosen out of a panel of names proposed by the municipal council."

This, sir, it seems to me, will be a modification of the very harsh provision contained in the substantive portion of the bill. The chief consideration would be this: who is the authority to take work from the official appointed by the Goverrment in exercise of the power now proposed by the ~~Government~~ Bill? It is the municipal council and the municipal president. Who will scrutinize the work done by that officer -- whether it be Chief Officer or Engineer or Health Officer? The man who will have to scrutinize the work of this officer is not a representative of the Government, but very often, the elected President of the municipality or another officer of the local self-government institution. If the appointing power is in the hands of the Government in the first instance and if the transferring power, as also the power of giving promotions, are also in the hands of the Government, is it possible, I ask, for the elected Municipal President or even the Council taken together to control him and thus effectively discharge their duties towards the citizens? I think, sir, it will lead to a great deal of conflict. This has been our experience. I therefore suggest that a modification be introduced in the bill itself as proposed by me.

Another speaker referred to the difficulty under the existing law of removing the officers from their position. I, for one, do not complain about it. It should really be made not easy for a municipal council to dismiss a member of the Executive. The Executive officers have their hard tasks to perform. They are bound to incur odium and become unpopular. If it is made very easy for a municipal council to dismiss them, --well, it is no reflection on anybody to say there are parties and parties in municipal bodies--then the officer's job would not be worth a day's holding and the official would not be able to discharge his duties satisfactorily. ~~I expect that position.~~ Therefore, I do not complain about the municipal council's power to dismiss a servant being a little deficient under the existing law. I do not think it arises out of the present bill at all. What I am concerned with is merely the power of initiative in making these appointments, and I insist, sir, that that power properly belongs to the local self-governing body itself.

THE DIRECTOR OF PUBLIC HEALTH (Mr.P.Parthasarathy).-Sir, in connection with the transfer or the appointment of Health Officers in municipalities, the chief difficulty is the officers that are to be appointed must have certain qualifications which the municipality may not be in a position to decide. And the question about the tenure of office is another subject which is involved. As Mr. D.V. Gundappa said, if a few of the municipal councillors --I do not say they will do it --take into their head to see that the services of the Health Officer is ended, it is quite possible to collect votes and ~~xxxxx~~ pass a motion of no-confidence against the Health Officer. Further we have got only three places in the State, viz., the two city municipalities and the K.G.F. Sanitary Board area, where Health Officers can be appointed. The cadre of the Department being a very small one, we find it very ~~difficult~~ hard to post officers to the municipalities. It is also very difficult to send a panel of names to the municipalities for them to select. We have a cadre consisting of 7 or 8 officers with special training. These specialists have to be fixed up for definite appointments and we cannot propose these men to be posted to municipalities. So we are left with a handful of men to be distributed among the three municipalities. If a panel of three names have to be sent to the municipality, the same names have to be repeated every time. That is our difficulty in sending panels of names.

Rajacharita Visarada Rao Sahib C. HAYAVADANA RAO.- In the very earnest but I should say to myself, not very convincing arguments that have been adduced against this bill, I find a fundamental misconception. It seems to have been forgotten that a municipality exists for the people and not the people for the municipality, though it may be a city municipality. In the last resort, all the municipal administration is vested in the city municipal council. There can be no question about it, no quibble about it. Because, the Section is there, a law so to say; and that administration is vested also with the deliberative power that it requires. Also it has got the power to make almost every appointment that it can and should make in furtherance of its objectives. Section 234 is not a measure; that is not a principle of law enunciated; it is not against that policy. Because, the policy of the administration is also vested in the municipal council. It can make all the appointments and in this present instance, the proposed bill does not annul Section 234. I want the hon. Member from the municipality to note this fundamental fact as it is enunciated in this bill. Notwithstanding whqtever may be contained in the City Municipalities Regulation, a particular power is proposed to be taken. There is no annulment of Section 234 in which power of appointment will still continue to vest in the municipal council. It is only under particular circumstances and conditions that the power of Notification that is sought to be taken now under this Section will ever come into play. The position is something

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like this: the persons who suggest the appointment are the officers of the Department from which the required officers are to be taken. The municipal council and these officers are in agreement and if the Government also thinks that there is nothing repugnant to the safe administration of the municipality, I do not think this enabling clause will ever come into play nor is it intended to come into play. There is one point before I proceed. The history of this legislation as enshrined in Section 234 is very interesting to note and it is very necessary that we should note it. A great deal of misconception underlying this opposition is to be traced to that. It goes back to a time 35 years ago when the municipalities in the Bombay Presidency and Southern India--and our law is modelled on the Bombay District Municipalities Act--at any rate most of them, did not possess Health officer, Engineers and such other officers who were considered, in the then policy of Govt. as absolutely necessary for the good administration of the towns entrusted to their care. What happened was The Bombay Government came forward and suggested that, since they wanted the municipalities to be administered in a proper manner, with due regard to public health and facilities for water-supply, sanitation, and other needs, that they would give 2/3rds of the salary, if the municipality would appoint an engineer and a health officer. They said that the power of appointment would be vested in the municipality because they had to take the necessary steps to make the appointments. They also said "We will give you a grant-in-aid but the persons to be appointed should be such that Government must accept your nomination." It is on that principle that that law was put in that particular fashion, viz., that the sanction of the

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Government was necessary. That being so, the question arises whether the people who have to appoint these officers could appoint them. They had to take necessary sanction of the Government. But with the pressing of time, things have changed; and now the municipalities have come to feel the necessity for the appointment of Chief Officers, Health Officers and Engineers. So much so, the Government have come to feel that public opinion has advanced so far that it is ~~xx~~ unnecessary to ask these bodies hereafter to take advantage of the enabling measure. Consequently it has now been made practically certain that every municipality wants the appointment of a Health Officer and an Engineer. So, the position has come to be this: that in Bombay, from which we took this law, they have abrogated the principle of grant-in-aid and that portion of the law in Bombay has become a dead letter. And our municipality depends upon this now That being so, the question of appointing and sanctioning arises only under such conditions. That is part of the issue that has fallen into disuse. That being so, is it necessary at all to obtain the sanction? Radical reformers may go to the extent of saying, "Having regard to the health conditions of the municipality and the necessity of appointing Health Officers and Engineers of a superior type/-- who shall be paid high salaries & be abreast and diseases have increased with the advance of civilization --could we appoint an ordinary L.M. & S., to discharge the duties of the Health Officer in cities like Bangalore or Mysore? "Obviously ~~xxxx~~ we cannot. In fact, great authorities on municipal administration and sanitary administration have accepted it as a truism that

very highly trained officers who are absolutely above all conditions, who could take the initiative and dictate firm action impromptu on the spot at a required point of time should be appointed and none should be below the holder of a diploma of public health. Such people, the municipalities are not in a position to appoint by themselves. I think we have come to a stage when we have to view things entirely from the public point of view and not from the point of view of powers to be vested in this body or that body.

I see that in this amendment neither the power of appointment nor the power to punish, or the power of the Government (just to discharge its duty on behalf of the general public) of sanctioning the appointment is taken away or sought to be taken away. It is only where the municipality and the government do not agree that this Section comes into operation.

ere is another point: it was said that anel should be sent. It is exactly this panel business, that has brought on all this trouble to a climax. I am able to speak with some inside knowledge on these matters. I know the exact conditions which have brought things to a climax. t is where a panel has been asked for and the anel does not come in that has been the cause f not getting anything like appreciation or pprobation. The municipality is unable to see he other side of the picture and the trouble rises. I think it is better to cut the Guardian not at some point. The Government have said: Well, we do not take away your powers. It is for

cutting

guardian knot, to see that the health of the city does not suffer, that we are embodying this enabling clause in the regulation by means of an amendment I do not think the question of converting the municipality into a Department of Government, as observed by the previous speaker, has ever arisen. In fact, if the system of law is studied, it will be found that every municipality is only a delegated authority I say it entirely from the legal point of view. I request my friends not to misunderstand me. It has nothing to do with a department of Government. It has to carry out certain duties, but that apart, vested in it. It is governed by the four corners of a regulating act. It has given that Act and worked that Act. Where we come into conflict, is it not right that we come to a right decision? Should the City Municipality and the Government always be at loggerheads. Should they not understand and appreciate each other's point of view? Should things go in such a way that the public health might suffer?

Mr. H. G. DALAL.-Will this amending bill terminate the friction?

Mr. C. M YAV DANA RAO.-This will at least have this beneficial effect result that it will cut one of the difficulties in the way. If my Friend understands the the altercation between the municipality and the Government could be removed, we shall say another guardian knot is cut.

What I do say is, it is a measure well conceived it is purposeful; it does not mean anything against the city or its people; it does not mean any de-limitation of powers; it does not take away the fundamental powers that are being enjoyed heretofore under section 234.1 regarding. I feel that there should be greater appreciation of the Government's anxiety in a matter like this which is intended entirely in the interest of the premier municipality of the people which it governs.

THE SECOND MEMBER (Rajamantrapravina N. MADHAVA RAU.-[illegible]).-Sir, it seems to me that comparatively minor issues raised by this piece of proposed legislation have been greatly clouded over by reference to first principles of local autonomy and various other matters not stricly necessary tobe brought into discussion in the present instance. The arrangement that is contemplated in the bill is nothing new. It is an arrangement which has been substantially enforced for many years. It has been the practice for the Government to consult the municipal authorities, not necessarily the whole of the municipal council but either the President or the Commissioner,as the case may be, or both and the Head of the Health Department and post a suitable officer. The Director of Health has already explained that in the majority of cases, it is not possible to adopt any other procedure. And till very recent years, no City Municipal Council has thought it infra dig to take the services of such a Health Officer. Mr.Dasappa [illegible] asked me whether there was any provision of municipal law which justified any doubt felt by the Government as to the legal position as he expounded it. Well, sir, it is not my purpose to go into that question. I believe on a former occasion I mentioned certain reasons why the Government considered that the power of appointing Health Officers, in the last resort, was vested in them. Apart from that, the whole criticism against this measure is not that it is inconvenient, not that it is uncalled for, but because in

some mysterious way, it curtails the powers of local bodies, it is an infraction of the principles of local autonomy which, it is said, are endangered. Supposing this measure is passed, what exactly is theright that will be taken away? It is admitted that it is not possible for the municipal councils to organize a separate Health Service of their own. It is not considered desirable -- nobody has ever suggested it -- to appoint Health Officers ~~purely~~ for individual municipal ~~work~~, having no place in the general cadre of the State. That being so, what is it that is asked for? It is the right to borrow the services of government officers. It is ~~all the right that seems to remain when all practical alternatives are excluded, and~~ that in order to exercise the right of borrowing an officer, ~~it is stated that~~ a panel of 3 or 4 names should be sent by Government. On another occasion, I have pointed out what the Director of Health has again explained, how such a procedure cannot with any convenience be adopted because, we may not have as many names to give. If we give the names simultaneously to both the Councils and if they select the same officer, we would be in a ~~state of~~ quandary. In effect what the present procedure secures is all that is practically desired. The only thing is the municipal council will have no opportunity of recording a formal resolution that they approve of the Notification of the Government and appoint a Health Officer themselves. I do not think this sort of empty privilege need be made very much of. After all principles of local autonomy are to be respected.

principles of business cannot be laid aside

~~Even in matters of prestige a municipal council ought to be upheld.~~ But let us not stick to some empty formalities, formalities which lead ~~to~~ nowhere, which stand in the way of business, and which, in the past, have never been observed. We have looked at the matter entirely from the point of view of local bodies. Now we need to look at the matter also from the point of view of health organization which is now becoming a very important matter of interest not only to the provincial government in India ~~which are entrusted with it~~ but also to the ~~&~~ central government. This question of health organization, I am happy to say, has received considerable attention in the Mysore State for about 8 or 10 years; and partly as a result of our association with the Rockefeller Foundation, our health organization has been placed on a fairly satisfactory footing, though a good deal yet remains to be done. ~~But~~ One of the main points that all health experts ~~now and then~~ are insisting upon is that without a proper health service, the public health is bound to suffer. In a Memorandum which was given by Dr. Sweet summarising what he had said once before in January 1934, he wrote as follows:--

> "The attitude that public health problems are not of a technical nature and may safely be left to become the playgrounds of local authority theories and politics would seem to be a growing one. There would be no more serious error and this attitude, if persisted in, will certainly result in such ~~xxxx~~ chaos and confusion in policiies, staffs, and activities as will set back for many years the progress of a real public health development in Mysore State. It cannot be too
>
> strongly emphasised that, in a province the size of this State, a strong and well organized central Department of Health is necessary. Such a department should be responsible for the policy to be pursued in the development of public

public health work by local authorities: the qualifications, training, standards of work, and the discipline of all personnel: and should, when necessary, take over and administer local public health organization. All personnel engaged in health work, including sanitary inspectors, vaccinators, and such other technical staff as may later develop, should be on the roles, and subject to the authority of the Mysore State Department of Health, if confusion and inefficiency are to be avoided."

If we ~~should~~ forget for a little while the questing prestige ~~that~~ of local self-governing bodies ~~should have complete authority~~ and if we look at the matter from the point of view of ~~the actual~~ public health, we find it is necessary to constitute a well-knit Department of Health. This principle is nothing new. It has been accepted by the city municipality and all the municipalities. For several years past, I believe the sanitary services below the Health Officer are being controlled by the Director of Health, ~~and~~ the Commissioner of the City Municipality who is above the Health Officer is also appointed by Government. Even for the appointments of clerks and other officials of the ministerial establishments, most of our Friends are content to follow the Central Recruitment Board rules which give no option to the local body and which do not allow them to call upon the Central Recruitment Board to furnish a panel of names but merely give ~~the~~ a list from which they must take the first name without ~~any option~~. Have the powers of autonomy of municipal councils suffered on that account? Has anybody suggested that that has been an infraction of the full powers that are vested in the city municipal council?

council.

Mr. B.S. PUTTASWAMY.-That is a reasonable attitude that we take. So it is better that the power of appointment is also left to us.

Mr. N. MADHAVA RAU.-I do not know about that. Till that particular rule was introduced, I do not know how much of agitation there was here. And this Regulation had to be amended in order to bring those rules in. They were not within the frame-work of the Regulation at the beginning. If we realize therefore that after all, in no way are the powers of the city municipality affected by the power of appointment being delegated to an authority which has got control over a whole Department and which can select, according to the requirements of each municipality, the officer that might suit its requirements at a particular time. I have said just now that we have in a way developed a Health service. The provinces in British India have gone very much further. I should like to read the following from one of the papers circulated to the Central Advisory Board of Health:

"A Government Public Health service has been formed in Madras Presidency.

Certain minimum qualifications are required to be possessed by them before they are recruited.....
The municipal and district board health officers are filled by Government cadre but in consultation with local authorites.

The practice not only ensures a system of trained officers but also provides the necessary tenure of office to these officers.

Mr. H.C. DASAPPA.- Has that anything to

do with the city municipalities?

Mr. N. MADHAVA RAU.-I do not know. Now this matter attracted considerable attention at the recent meeting of the Central Advisory Board of Health which was opened by His Excellency the Viceroy; and one of the resolutions, which you might have read, is to the following effect:

"---- that all Govts should (a) form Provincial Public Health Services and (c) municipalities to appoint medical officers of Health and lay down suitable conditions. Necessary legislation may be passed with the least possible delay----"

I hope I have said enough to show that, in the first place, this bill does not very seriously depart from our existing practice. It only enables the Government to act expeditiously in cases where vacancies have arisen and have to be filled up. Secondly, the bill also follows the trend of recent as well as prospective legislation elsewhere in India where any regard is paid for health services. Thirdly, it does not in any way involve any infringement of the rights of local self-government to which reasonable exception can be taken. Of course, when a measure like this is brought forward, it is usual to discredit it by applying to it the words 'retrograde', 'reactionary', etc.

Such epithets are not arguments.

~~How a particular municipal council will view a~~ nominal privilege or not is not a very material ~~consideration. The question is that~~ the city health affairs, city engineering affairs should be carried out satisfactorily and that is really the ultimate object of the Government and the municipality. ~~In the past, whatever controversies~~ might have arisen, ~~there is~~ really no difference of opinion between the municipalities ~~and~~ Government. The only thing is when this

correspondence

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correspondence is going on, it is very embarassing to all concerned. For instance, the President of the Municipal Council who might have been consulted and with whose assent a particular officer might have been posted, ~~he~~ might be thrown over-board at the council meeting; then a resolution might be passed that a Public Health Officer should not be given. And all this is quite unnecessary correspondence and not dignified and we want to avoid such situations from arising, if only on paper.

If we look at the matter dispassionately I can see no method of obtaining City Health Officers & Engineers, substantially different in that which is now proposed

~~To resume~~, I do not think that ~~It~~ this measure can be characterised as retrograde or reactionary from the point of view of local self government. On the other hand, it would be retrograde and reactionary if, having built up a healthy convention of appointing Health Officers from a provincial service, we were to ~~drag~~ back away from that convention by refusing to set the seal of full legislative approval to ~~this very businesslike and short~~ the bill that has been placed before the House.

Mr. PRESIDENT.-It only remains for me to put this motion to the House. The question is:

"That the Bill to amend the Mysore City Municipalities Regulation, 1933, published under rule 8 of the Rules of Business be read in Council."

The motion was adopted.

(b) Motion that the Bill be referred to a Select Committee.

Mr. N. MADHAVA RAU.-Sir, I beg tomove that the Bill be referred to the same select committee as that appointed to consider the first Bill for the amendment of the City Municipalities Regulation.

Mr. M. VENKATANARANAPPA.-Sir, I beg to seco:d the motion.

The motion was adopted.

Mr. PRESIDENT.-The question is:

"That the Bill to amend the Mysore City Municipalities Regulation, 1933, be referred to a select committee composed of the gentlemen named by the hon. Mover."

The motion was adopted.

12. Bill to amend the Mysore Town Municipalities Regulation, 1933.

(*a*) *Motion that the Bill published under Rule 8 of the Rules of Business be read in Council.*

THE SECOND MEMBER (*Rajamantrapravina* N. MADHAVA RAU).—Sir, I beg to move that the Bill published under Rule 8 of the Rules of Business be read in Council.

THE SECRETARY TO GOVERNMENT, DEVELOPMENT DEPARTMENT (MR. M. VENKATANARANAPPA).—Sir, I beg to second the motion.

MR. PRESIDENT.—The question is :

"That the Bill to amend the Mysore Town Municipalities Regulation, 1933, be referred to a select committee composed of the gentlemen named by the hon. Mover."

The motion was adopted.

(*b*) *Motion that the Bill be referred to a Select Committee.*

MR. N. MADHAVA RAU.—Sir, I beg to move that the Bill be referred to a select committee composed of the same members as that appointed to consider the first Bill for the amendment of the Town Municipalities Regulation.

MR. M. VENKATANARANAPPA.—Sir, I beg to second the motion.

MR. PRESIDENT.—The question is :

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The motion was adopted.

12. Bill to amend the Mysore Town Municipalities Regulation, 1933.

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THE SECOND MEMBER (Rajamantrapravina N. Madhava Rau).-Sir, I beg to move that the Bill published under Rule 8 of the Rules of Business be read in Council.

THE SECRETARY TO GOVERNMENT, DEVELOPMENT DEPARTMENT (Mr. M. Venkatanaranappa).-Sir, I beg to second the motion.

Mr. PRESIDENT.-The question is:

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Mr. N. MADHAVA RAU.-Sir, I beg to move that the Bill be referred to a select committee composed of the same members as that appointed to consider the first Bill for the amendment of the Town Municipalities Regulation.

Mr. M. VENKATANA ANAPPA.-Sir, I beg to second the motion.

Mr. PRESIDENT.-The question is:

"That the Bill to amend the Mysore Town Municipalities Regulation, 1933, be referred to a select committee composed of the gentlemen named by the hon. Mover."

The motion was adopted.

Report of the Select Committee on the Bill to amend the Mysore Town Municipalities Regulation, 1933.

We, the undersigned Members of the Select Committee to which the Bill to amend the Mysore Town Municipalities Regulation, 1933, was referred, have considered the Bill and have now the honour to submit this our Report. ~~together with a copy of the Bill as amended by us~~

2. Section 209 A.- After the words ' pay and ' in clause (c) of this section, the words ' allowances and discipline and ' may be added.

3. Section 209 B. - After the word 'power' in this section, the words ' of appointment ' may be added.

4. As the changes are not material, the Bill need not be republished.

21.9.37

21/9

21/9

C. Hayavadanna Rao was unable to be present at the meeting.

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Sd/. B. T. Kesavenigar
" H. V. Ranganaswamy
" M. Kulkalavaranappa
" Miss V. Lakshminara-
simhappa
" G. Girimaji Rao
" J. Mahomed Imam
" M. L. Nagappa Setty
" N. Madhava Rao
(Chairman

Sri C. Hayavadana Rao was unable to be present at the meeting.

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Sd/- B.T.Kesaviengar
" H.V. Ramaswamy
" M. Venkatanarenappa
" Mirle N. Lakshminaranappa
" G. Girimaji Rao
" J. Mohammed Imam
" M.L. Nagappa Setty
" N.Madhavara Rao (Chairman)

Mr. C. Hayavadana Rao was unable to be present at the meeting.

We, the Members of the Select Committee appointed to consider the Bill to amend the Mysore City Municipalities Regulation, 1933, have considered the Bill and have now the honor to submit this our Report:

Sec. 234-A.- It was suggested by some Members that previous consultation of the municipal council concerned - should be made before action is taken under this Section to appoint an officer. But it was considered by the majority of Members that such a suggestion was not practicable.

Sec. 234-B.-We recommend that the words "of appointment" be added after the word "powers" so as to save the other powers of the municipal council under Sec. 233 and 234.

& State that as the amendment is purely verbal no republication of the Bill is necessary

27/9/37

27-9-37

27.9.37

V.B. Desai. Subject to my dissent

To a note of dissent

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NOTIFICATION.

No. 4334—L. C., Bangalore, dated 26th May 1937.

Under Rule 8 of the rules for the conduct of business of the Mysore Legislative Council, the accompanying Bill to amend the Mysore Town Municipalities Regulation, 1933, is published for general information with the statement of objects and reasons.

By Order,
A. SUNDARARAJA RAO,
Secretary,
Mysore Legislative Council.

Bill to amend the Mysore Town Municipalities Regulation, 1933.

Whereas it is expedient to amend the Mysore Town Municipalities Regulation, 1933; It is hereby enacted as follows:—

1. After Section 209 of the Regulation, the following shall be inserted, namely:—

"209-A. Notwithstanding anything contained in this Regulation—

(*a*) the Government may, by notification, take power to appoint the Chief Officer in the case of any Municipal Council;

(*b*) the Government may at any time withdraw any such Chief Officer and appoint another in his place; and

(*c*) the Government shall have power to regulate the methods of recruitment, conditions of service, pay and conduct of Chief Officers appointed under Clause (*a*).

"209-B. So long as a notification under Clause (*a*) of Section 209-A is in force, the Municipal Council in respect of which such notification is made, shall cease to exercise the power under Section 209 of this Regulation."

STATEMENT OF OBJECTS AND REASONS.

The present legal position regarding the appointment and control of Chief Officers in Town Municipalities is not altogether satisfactory. Under Section 209 of the Town Municipalities Regulation, 1933, it is possible to hold that the Municipal Council has power to appoint these officers subject to the sanction of Government. In practice, however, Chief Officers are appointed by Government. In the interests of the efficiency of the Municipal services it is considered that the appointment of Chief Officers should be under the control of Government. Under the proposed new clauses Government may take power to appoint and control the Chief Officers in the case of any Town Municipal Council.

Printed by the Superintendent at the Government Press, Bangalore.

We, the Members of the Select Committee appointed to consider the Bill to amend the Mysore City Municipalities Regulation, 1933, have considered the Bill and have now the honor to submit this our Report:

Sec. 234-A.- It was suggested by some Members that previous consultation of the municipal council concerned should be made before action is taken under this Section to appoint an officer. But it was considered by the majority of Members that such a suggestion was not practicable.

Sec. 234-B.-We recommend that the words "of appointment" be added after the word "powers" so as to save the other powers of the municipal council under Sec. 233 and 234.

We state that as the amendment is purely verbal no republication of the Bill is necessary.

Please sign this report subject to a Note of Dissent (attached)
V. Gundappa
12.10.1937

Sd- N. Madhava Rao.
Sd- Mirle Lakshminaranappa.
Sd. Mohamed Abbas Khan.
Sd. H.C. Dasappa. (subject to a
Sd. B.T. Kesavaiengar. note of
Sd. P. Subbaramachetty dissent)
(subject to a note of
dissent.)
Sd. M. Venkataraṇaranappa.
Sd. H.V. Ramaswami.
Sd D.V. Gundappa (Subject
to a note of dissent).

D. V. GUNDAPPA
Member,
Mysore Legislative Council.

BASAVANG... ...
BANGALORE CITY
(SOUTH INDIA)

Dated the 12th Oct, 1937.

Note of dissent by Mr. D. V. Gundappa

To

Rajamantrapravina N.Madhava Rao,Esq.,B.A.,B.L.,
Second Member of Council and Chairman of the
Select Committee on the Bill to amend the
City Municipalities' Regulati
Mysore Legislative Council,
B A N G A L O R E.

Sir,

I beg I may be permitted to append the following note of dissent to the Report of the Select Committee on the Bill to amend the Mysore City Municipalities Regulation of 1933 (Section 233 et seqq.).

Even after considering all that was said in favour of the Bill in the course of discussions in the Select Committee, I regret I am unable to withdraw my opposition to the Bill.

The one point that was stressed in the Select Committee by those who supported the Bill is that its object is to provincialize Municipal Services, i.e., to make the officers and officials of Municipal Councils an organic part of, and therefore interchangeable with the other members of, the corresponding branches of the adminstrative services of the State, so that there might be a wider field for the choice, transfer and promotion of the officers of municipalities. I wish to say at once and unreservedly that I am in full sympathy with this object. I have myself very often pleaded for such provincialization of Municipal services as a means of securing greater efficiency in municipal adminstration. So that, there is no difference between me and the supporters of the Bill so far as the above object is concerned.

If this is all the object that the Government has in view, I venture to submit that the present form of the Bill completely obscures it,-- as is obvious from the ground taken up by those who opposed the Bill, namely--that the Bill is designed to take away

away from the Municipalities, and for the Government, an important power which they have long enjoyed as a legal right. Indeed, the third sentence in the Statement of Objects and Reasons itself suggests that the Bill has arisen as the result of a contest for power. The subtraction which the Bill seeks to make from the power allowed to the City Municipal Councils, is held by opponents to imply a censure on the way in which the Municipalities have till now exercised their powers under Sections 233, 234 et seqq. of the 1933 Regulation. What the Bill in its present form emphasizes to the uninitiated is, not the laudable purpose of provincialising the Municipal services, but the rather melancholy one of clipping the Municipalities' [redacted] wings.

If the provincialising of the Municipal services is a desirable object, that of preserving to the Municipalities their present powers of initiative is, I sumbit, an equally desirable one. Under Section 233, a City Municipal Council has the power of appointing a Chief Officer, on its own motion, though subject to the approval of the Government; and in the event of its failure, the Government has the power of compelling it to do so. Provision of similar import is made in Section 234 with respect to the appointment of the Health Officer, the Engineer and other necessary officers. Action under these two sections is contemplated to be taken, in the first instance, by the Municipal Council concerned. This power of appointing its principal executive organs ordinarily by the exercise of its own free will, is a most important endowment not merely from the sentimental point of view of prestige, but also from the more material points of view of promoting the sense of municipal responsibility and ensuring a due translation of the municipal will into daily adminstrative acts. The Municipality that has got to take work from officers appointed by an outside authority and having to look to that other authority for promotion and facilities, cannot obviously be in a position to command those officers freely and readily,--at any rate not in such a strong position as it could take up if the officers were men appointed by itself. When the servants of a

a Municipality are, in reality and effect, subordinate to an outside authority, that Municipal Council must naturally develop a sense of futility and helplessness in the course of time; and at that rate, the Municipal Council will soon cease to attract to itself the best men that the City can put forward for its service. Thus, I consider the Bill as an attack, in truth; on a vital part of the system of Local Self-Government.

When there are two different objects in view, each as desirable as the other, the best course obviously is not to let one supersede the other, but to devise a plan of reconciling both to each other.

I would therefore appeal to the Government to withdraw the Bill. A Separate Bill may be framed for the provincialising of Municipal services.

If this course does not commend itself to the Government, I would appeal to the Legislative Council to reject the Bill.

If even this appeal fails, I should like to persuade the House to accept at least the following amendment, which is one that I urged, but without success, in the Select Committee:--

> "That the following proviso be added in Section I of the Bill, after the new part marked 234-A and before the new part marked 234-B:-
>
> > "Provided that, before taking action under any of the provisions of this Section (234-A), the Government, or any authority appointed by it in this behalf, shall consult the Municipality or Municipalities concerned as to the action contemplated, in such manner as the Government may by rules prescribe".

It has been pointed out in the Statement of Objects and Reasons, and also in supplementary speeches, that such consultation as is proposed in my proviso has, as a matter of fact, been taking place till now. If so, I see no harm in giving that wholesome practice a place in the statute. A good thing which is now left to the option of the

the Government, I should like to have confirmed by law as a condition certain and invariable.

I shall be thankful for your giving your sympethetic consideration to the points submitted in this note.

I have the honour to be,
Sir,
Your most obedient servant,

D. V. Gundappa

D. V. Gundappa

Member, Select Committee on Bill to amend the City Municipalities Regulation.

[*N.B.*—Portions deleted by the Select Committee are enclosed in square brackets and those added are printed in italics.]

Bill to amend the Mysore City Municipalities Act, 1933.

(As amended by the Select Committee.)

Whereas it is expedient to amend the Mysore City Municipalities Act, 1933; It is hereby enacted as follows:—

1. After Section 234 of the Act, the following section shall be inserted, namely:—

"234-A. Notwithstanding anything contained in this Act—

(*a*) the Government may, by notification, take power to appoint the Chief Officer, the Health Officer or the Engineer in the case of any Municipal Council;

(*b*) the Government may, at any time, withdraw any such Chief Officer, Health Officer or Engineer and appoint another in his place; and

(*c*) the Government shall have power to regulate the methods of recruitment, conditions of service, pay and allowances and discipline and conduct of Chief Officers, Health Officers, and Engineers appointed under clause (*a*).

"234-B. So long as a notification under clause (*a*) of Section 234-A is in force, the Municipal Council in respect of which such notification is made, shall cease to exercise the powers *of appointment* under Sections 233 and 234 of this Act."

[*N.B.*—Portions deleted by the Select Committee are enclosed in square brackets and those added are printed in italics.]

Bill to amend the Mysore Town Municipalities Act, 1933.

(As amended by the Select Committee.)

Whereas it is expedient to amend the Mysore Town Municipalities Act, 1933; It is hereby enacted as follows:—

1. After Section 209 of the Act, the following shall be inserted, namely:—

"209-A. Notwithstanding anything contained in this Act—

(*a*) the Government may, by notification, take power to appoint the Chief Officer in the case of any Municipal Council;

(*b*) the Government may at any time withdraw any such Chief Officer and appoint another in his place; and

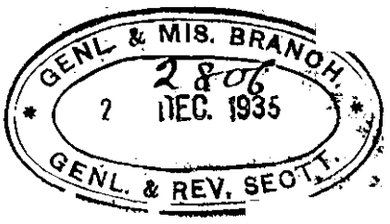
(*c*) the Government shall have power to regulate the methods of recruitment, conditions of service, pay and *allowances and discipline and* conduct of Chief Officers appointed under clause (*a*).

"209-B. So long as a notification under clause (*a*) of Section 209-A is in force, the Municipal Council in respect of which such notification is made, shall cease to exercise the power *of appointment* under Section 209 of this Act."

97/123
E 1

OFFICE OF THE PRESIDENT,
CITY MUNICIPAL COUNCIL, MYSORE,
Dated 28th November 1935.
3074

M. A. SREENIVASAN, ESQ., B.A.,
PRESIDENT, CITY MUNICIPAL COUNCIL,
MYSORE.



The Chief Secretary to the Government of His
Highness the Maharaja of Mysore,
Bangalore.

Sir,

I have the honour to state that the Municipal Council recording the Government Notification No.G.2733 P.H.32-5-2 dated 8-10-35 ordering the transfer of Mr.S.Ramachandra Rao, Health officer, Mysore City to the Central Office and posting Mr.S.Seshagiri Rao in his stead, resolved at their meeting held on 31-10-1935 that their humble and respectful protest be conveyed to Government on the latter's appointing a Health Officer in place of Mr.Ramachandra Rao in contravention of the provisions of the City Municipalities Regulation and that the Government be requested not to interefere with the exercise by the Municipal Council of its right under Section 234 of the City Municipalities Regulation.

A copy of the Resolution is herewith submitted for the information

Proceedings of the 13th(Ordinary) meeting of the Mysore City Municipal Council held in the Council Chamber on Thursday the 31st Octo[illegible] 1935 at 4 P.M.

Present.

M.A.Sreenivasan, Esq., B.A.,President.

1. Mohamed Sait, Esq., Vice-President.
2. Rao Sahib M.Ramaswamy, Esq.,
3. P.Sitharamiah, Esq., B.A.,B.L.,
4. C.Narasimhiah, Esq., B.A.,B.L.,
5. S.Krishnaswamy Rao, Esq., B.A.,LL.B.,
6. A.Venkatesiah, Esq., B.A.,LL.B.,
7. A.Krishna Rao, ~~B.A.,B.L.,~~ Esq B.A.BL
8. V.Lingappiah, Esq., B.A.,LL.B.,
9. M.C.Thammiah, Esq.,
10. D.B.Viswambhariah, Esq.,
11. H.C.Dasappa, Esq., B.A.,LL.B.,
12. W.H.Theobald, Esq.,
13. T.Mariyappa, Esq., B.A.,LL.B.,
14. M.Shankariah, Esq., B.A.,LL.B.,
15. Mohamed Ghouse Peer, Esq.,
16. K.Dhanakoti Chetty, Esq.,
17. Y.Virupakshiah, Esq.,
18. Hussain Ali, Esq.,
19. Rev.G.W.Sawday.
20. G.Ahamad Khan, Esq.,
21. Mohamed Valiullah, Esq., B.A.,LL.B.,
22. M.K.Madhava Rao Powar, Esq.,

Absent.

1. K.N.Venka[illegible]rishniah, Esq.,B.A.,
2. A.J.Ram, Esq.,
3. (Vacant)
4. "
5. "
6. "
7. "

x x x

137. Memo No.G.2734-6 R.H.dated 8-10-1935 from the General Secretary to Government, Bangalore, forwarding Notification No.G. 2733.P.H. 32-5-2 dated 8-10-1935 ordering the transfer of Dr. Ramachandra Rao L.M.S.Health Officer, Mysore City to Central offi Bangalore, and posting Dr.S.Seshagiri Rao, B.Sc.,M.B.B.S.,D.P.H,I class Health Officer, to Mysore Municipality.

Resolution- Resolved that this Council do convey th humble and respectful protest to Government for their being pleas to appoint a Health Officer in the place of ~~Dr~~ Dr.S.Ramachandra R on the latter's transfer in contravention of the provisions of the City Municipalities Regulation which vest the power in the Municip Council and request that hereafter Government may be pleased not t interefere with the exercise by the Municipal Council of its right under Section 234 of the City Municipalities Regulation.

x x x

d/-M.A.Sreenivasan,
President.

"Copy"

President.

ml to 3-35-1

RAO BAHADUR
B. K. GARUDACHAR
HON. PRESIDENT

CITY MUNICIPALITY

3

Confidential

L.S.B.

Bangalore, dated 4-3-1936.

573

1061/2.

My dear Mr. Ramanathan,

Referring to the Govt: Notification dated 25-2-1936 informing the ~~tranfer~~ transfer of Mr.Chandrasekharia, Health Officer, I have to bring the following to your consideration.

As per Municipal Regulation, the Council is to be consulted for the appointment to be made i.e., regarding the nomination by giving a panel of officers from whom the Council may select. In the last occasion when Mr.Chandrasekaria was appointed without consulting the Council there was a -- dead lock about the disbursement of his pay. With great --- difficulty and tact I appeased the Council to ratify the -- appointment.

When I had a talk with Mr. Madhava Rao about the transfer of Mr. Chandrasekaria, I understood, that he may not be disturbed for the present. Now, the present order has come as a surprise. The feeling of the Councillors about the ~~transfer~~ posting of Mr. Domnic seems to be very high. I don't want to place

Appendix F G—1]

SUBJECT.....

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Section Ml

File No. 2835

Serial No. 2

Diary No. of letter replied to.....

No. 26927

To

Dear Sir,

General and Revenue Secretariat

( )

the *193*

With reference to your D o. letter No. dated 4-3-36 requesting that, under the circumstances explained, the orders of transfer of the Health officer, Bangalore city Municipality, be kept in abeyance and that the procedure prescribed in Section 234 of the city Municipality Regulation may be followed with regard to the transfer, I am desire to state the question of transferring Mr. T Chandrasekharaiya to another charge and of posting Mr. M. Ramachandra Rao as Health officer, Bangalore, was referred to the Municipal Commr. in this letter dt

Date of issue 11-3-36

Signed by M. A. N. R.

List of enclosures.....

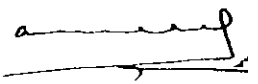
Copied by .....

Examined by.....

WD 03601—GPB—30,000—23-9-35

the Govt: order before the Council and create unnecessary agitation. Under the circumstances, I wish that the order be kept in ~~abeysance~~ abeyance and proceedure may be followed as per Regulation.

Yours sincerely,



To,

A.V. Ramanathan, ESQ., B.A.,

Chief Secretary,

Govt: of Mysore.

~~this office letter~~ No L 4 of 5283 dated

24-12-35. In view of the representations.

made by the ~~President~~ in person Yourself ~~& Co~~ and the Commissioner,

the possibility of retaining Mr. Chandrasekharaiya

at Bangalore was examined again, but it

was found that his transfer to Closepet

was unavoidable. In the circumstances, the next

best thing seemed to be to post Mr. Dominick,

who is an experienced and senior officer of the

Department, as Health officer, Bangalore. The

proposed arrangements were communicated

to the Municipal Commissioner beforehand ... in this office letter No 6372 dt 14-2-36

in pursuance of the procedure laid down

in ~~this office~~ letter No. L 102/ Mc 2-29-96

dated 3-7-1930. It is not understood

what difficulty the Municipal Council

can have in giving effect to these arrangements

Yours sincerely

AB/16/3

To Bahadur

S. K. Janardhan Esq

President, City Mcl, Bangalore

NCH

Jam No L 6928 dt 11. 3. 36

Copy to the Dr of Health

Copy to Gf M. Branch

D.O. No L 6927

11th March 1936

Dear Sir,

With reference to your D.O. letter dated the 4th March 1936 requesting that, under the circumstances explained, the orders of transfer of the Health Officer, Bangalore City Municipality, be kept in abeyance and that the procedure prescribed in Section 234 of the City Municipalities Regulation may be followed with regard to the transfer, I am desired to state that the question of transferring Mr. T. Chandrasekharaiya to another charge and of Posting Mr. M. Ramachandra Rao as Health Officer, Bangalore City, was referred to in this office letter to the Municipal Commissioner No. G. 5283 dated the 24th December 1935. In view of the representations made in person by yourself and the Commissioner, the possibility of retaining Mr. Chandrasekharaiya at Bangalore was examined again, but it was found that his transfer to Closepet was unavoidable. In the circumstances, the next best thing seemed to be to post Mr. Dominick, who is an experienced and senior officer of the Department, as Health Officer, Bangalore. The proposed arrangements were communicated to the Municipal Commissioner before hand in this office letter No. 6372 dated 14th February 1936, in pursuance of the procedure laid down in letter No. L. 102/Ml. 2-29-96 dated the 3rd July 1930. It is not understood what difficulty the Municipal Council can have in giving effect to these arrangements.

Yours sincerely,

T. D.

for Chief Secretary to Govt

Rao Bahadur B.K. Garudachar,
President, City Municipal Council,
Bangalore.

P.H. No. L 6928-ad 11. 3. 36

to the Dir of Health.

Mr 203-35-3

8

City Municipal Office,

No. A 1. 2415/35-36 Bangalore, dated 18th March 1936

GEN. 4293/2.
23 MAR.

From

M. SESHADRI, ESQ., M.A.,
Municipal Commissioner,
Bangalore City.

CHIEF SECRETARY.
20 MAR

To

A. V. Ramanathan, Esq., B.A.,
Chief Secretary to the Government of
His Highness the Maharaja of Mysore,
Bangalore.

Sir,

I have the honour to state that Government Notification No. G 6646/P.H. 32-35-14 dated 25/26th February 1936 transferring Mr. T. Chandrasekharaiya, Health Officer of this Municipality and posting Mr. G. M. Dominick in his place was placed before the Municipal Council at the meeting held on the 14th instant. The President explained the circumstances which necessitated the transfer and read out to the Council Chief Secretary's D.O. lette No. L 6927 dated 11th March 1936. Thereupon the matter was discussed at great length and on the motion of Mr. C.N.Narasinga Rao, the Council passed a resolution, a copy of which I am enclosing herewith for favour of perusal. I request that you will be so good as to obtain very early the orders of Government on the resolution of the Council.

I have the honor to be,
Sir,
Your most obedient servant,

M Seshadri
Municipal Commissioner.

Forwarded with compliments.

Honorary President.

Proceedings of the Ordinary General Meeting of the Municipal Council meeting held on Saturday the 14th March 1936 at 12 NOON in the Council Chamber of the City Municipal Office, Bangalore.

Present.

Rao Bahadur B. K. Garudachar, Esq.,
Honorary President.

Councillors :-

1. Mr. R. Venkataswamy,
2. " W. H. Hanumanthappa,
3. " B. Kempanna,
4. " S. V. Srenivasa Setty,
5. " K. T. Bhashyam Iyengar,
6. " Ramlal Thiwari,
7. " B.S.Shankarappa Setty,
8. " V.B.L.Narayan,
9. " Y.H.Venkataramanappa,
10. " D. Venkataramanappa,
11. " M. Munisamappa,
12. " H. Srenivasa Murthy,
13. " C.N.Narasinga Rao,
14. " B. L. Byanna,
15. " C. Hayavadana Rao,
16. Mr. C.M.Garudachar,
17. " M.P.Somasekhara Rao,
18. " S. Sitharamiah,
19. " S.K.Venkataranga Iyengar,
20. " T.S.Raghavachar,
21. " M. Chinnaswamy,
22. " P. Subbarama Chetty,
23. " O.S.Nasarulla Sheriff,
24. " S.N.M.Razvi,
25. " Azizuddin Mehkri,
26. " J. R. Isaac,
27. " S. Yellappa.

Absent.

1. Mr. K. S. Kamakshiah Setty.
2. Mr. B. Abdur Rahmon,

X X X

With the consent of the House, subject No. 30 on the Agenda was taken up.

30. Letter No. G 5283/P.H. 32-35-7 dated 24th December 1935 from the General Secretary to Government forwarding a copy of lett from the Director of Health about the transfer of Mr. T. Chandrasekharaiya, Health Officer, Bangalore City to be in charge of the Health Unit at Closepet and the posting of Mr. M. Ramachandra Rao to the Bangalore City as Health Officer.

Mr. C.N.Narasinga Rao said that even in spite of information give by the President about the attitude of the Council regarding the posting of Mr. G.M.Dominick as Health Officer, Government had appointed Dr. Dominick as Health Officer. Considering the finances of the Municipality the Council is not in a position to have an Officer of this pay. He then moved the following resolution :-

" This Council emphatically protests against the order of Government appointing Dr. Dominick as the Health Officer and transfer-

transferring Dr. Chandrasekharaiya without previously consulting the Municipal Council and suggesting a panel - a principle conceded by Government itself before.

As the Municipal Council has not appointed the present incumbent, the Council resolves that his pay be not disbursed from the Municipal funds by the Commissioner.

The Municipal Council also resolves that in accordance with the principle mentioned above, Government be requested to send a panel of names to enable the Council to make a suitable appointment."

Resolution :- This was put to vote and carried.

Sd. B. K. Garudachar.
Honorary President

Municipal Commissioner.

... dix F G—1]

SUBJECT.....

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Section 9nl

File No. 203-35

Serial No. 4

Diary No. of letter replied to.....

No. L 7654

To The Municipal Commissioner,
Bangalore city
(through the President)

General and Revenue Secretariat

( )

the *193*

Sir,

Date of issue 7-4-1936

With reference to the correspondence ending with your letter No. A1-2415/35-36 dated 18-3-36 forwarding for orders the resolution of the Municipal Council protesting against the orders of Govt appointing Mr. G.M. Dominick as Health officer and transferring Mr. T Chandrasekharaiya without previous consulting the Municipal Council and stating that the pay of the present incumbent be not disbursed by the Commr from the Municipal funds and requesting Govt to suggest a

Signed by Mr. G.S.D.

List of enclosures.....

Copied by MBG

Examined by.....

WD 03601—GPB—30,000—23-9-35

1 C

panel of names to enable the Council to make a suitable appointment – a principle conceded by Govt ~~heretofore~~ previously, I am directed to state that the procedure suggested by the Municipal Council, viz, that of sending ~~them a panel of~~ a panel of three names for making a selection out of ~~them~~ it has not been accepted or followed by Govt in the past and that such a procedure would be highly inconvenient, if not unworkable. I am to add that Govt intend framing rules under Section 228(2)(c) read with Section 49(1)(ii) and (2) of the City Municipalities Regulation with regard to the appointment of Health officers and Municipal Engineers and that the opinion of the Municipal Council will be obtained before the rules are issued. Meanwhile, I am to say that the transfer of Mr. Dominick must be deemed to be an appointment which the Municipal Council are required by the Govt to make and that the direction to the Municipal Commissioner not to disburse the pay of the officer cannot be supported.

I have etc

RMM

2-4-36

from Chief Secy to Govt

No 7656 & Rom 7-4-36.

re Director of Health

& Comptroller By order

Appendix F G—1]

SUBJECT.....

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Section ml

File No. 203-35

Serial No. 5

Diary No. of letter replied to.....

No. L 8701

To Notification.

General and Revenue Secretariat

( )

the *193* .

Date of issue 14-5-1936

Signed by M A S.

The following draft of the rules which the Govt propose to make, in exercise of the powers vested in them under Section 228 (2)(c) read with Sections 49(h)(ii) and (c) of the Mysore City Municipalities Regulation, 1933, relating to the appointment of Engineers and Health officers in City Municipalities, is published under sub section 4 of ~~Section~~ Section 228 of the said Regulation for the information of all persons interested. Any objections or suggestions which may be received within a month from the date of

List of enclosures.....

Copied by 14/5/36

Examined by.....

the publication of the rules will be
taken into consideration by Govt before
the issue of the rules finally.

(Have typed the draft rules)

By order

12/5

Asst 12/5 Chief Secy to Govt

Rmr

To

The Compiler, Mysore Gazette for publication
in Part IV of the Gazette with the request
that 25 copies thereof be sent to the
Secretariat and 100 copies each to the
Ml Comm, Bangalore city & the President, city Ml Cl, Mysore and 5 copies each
the Dy of Health and the Chief Engineer.

Memo No. L 8702-03 dt 14.5.1936

Copy of the above is forwarded with
compliments to (1) the Municipal Comm, Bangalore city thro' the Dpty
(2) the President, city Municipal Council, Mysore
with the request that the opinion of the Municipal
Council on the proposed rules ~~(with any amendments they may be considered necessary)~~ in A may kindly be
forwarded within the period of one month
referred to above.

By order

L 8704-05
dt 14.5.36

Asst 12/5 Chief Secy to Govt

Rmr

Copy to (1) the Dy of Health
(2) the Chief Engineer

(1) Every City Municipal Council shall have a Health Officer and a Municipal Engineer.

(2) Such Health Officer and Engineer shall be officers lent by Government from their Health and Public Works Departments respectively.

(3) Whenever the Government intend to lend an officer to a City Municipal Council for being appointed as its Health Officer or Engineer as the case may be, they shall intimate the name of such officer to the President. It will be open to the President and to the Council to make any representations that they may consider necessary. The Government may, after considering the representations, if any, made in this behalf by the President on behalf of the Municipal Council, issue the necessary notification regarding the posting which shall thereafter be given due effect to by the Municipal Council in accordance with law. Provided that in an emergency, the Govt. may issue the notification posting an officer without previous intimation.

(4) The Health Officer or Engineer lent by Government shall ordinarily hold office for a period of three years but Government may at any time in the interests of public service withdraw any particular officer so lent and post another in his place after giving due intimation as prescribed in rule 3 above.

(5) The pay and allowances of the officers lent by Government under these rules shall be determined by Government and be borne and disbursed by the Municipal Council. Their leave, pensions, gratuities and other matters shall be regulated by the Mysore Service Regulations and the special or general orders made by Government in this behalf.

29.4.3

12/5/76

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE.

General and Revenue Secretariat,

No. F. 8701
Mn(203-35-5

Dated Bangalore, 14th May 1936.
14th May

NOTIFICATION.

The following draft of the rules relating to the appointment of Engineers and Health Officers in City Municipalities which the Government propose to make, in exercise of the powers vested in them under Section 228 (2) (e) read with Sections 49(b)(ii) & (e) of the Mysore City Municipalities Regulation, 1933, is published under sub section 4 of Section 228 of the said Regulation for the information of all persons interested. Any objections or suggestions which may be received within a month from the date of the publication of the rules will be taken into consideration by Government before the issue of the rules finally.

(1) Every City Municipal Council shall have a Health Officer and a Municipal Engineer.

(2) Such Health Officer and Engineer shall be officers lent by Government from their Health and Public Works Departments respectively.

(3) Whenever the Government intend to lend an officer to a City Municipal Council for being appointed as its Health Officer or Engineer as the case may be, they shall intimate the name of such officer to the President. It will be open to the President and to the Council to make any representations that they may consider necessary The Government may, after considering the representations if any, made in this behalf by the President on behalf of the Municipal Council, issue the necessary notification regarding the posting which shall thereafter be given due effect to by the Municipal Council in accordance with law. Provided that in an emergency, the Government may issue the notification posting an officer without previous intimation.

(4) The Health Officer or Engineer lent by Government shall ordinarily hold office for a period of three years, but Government may at any time in the interests of public service withdraw any particular officer so lent and post another in his place after giving due intimation as prescribed in rule 3 above.

(5) The pay and allowances of the officers lent by Government unde-

these rules shall be determined by Government and be borne and discharged by the Municipal Council. Their leave, pensions, gratuities and other matters shall be regulated by the Mysore Service Regulations and the special or general orders made by Government in this behalf.

By order,

Ajuba Rao

for Chief Secretary to Government.

RM

To

The Compiler, Mysore Gazette, for publication in Part IV of the Gazette with the request that 25 copies thereof be sent to the Secretariat and 40 copies each to the Municipal Commissioner, Bangalore City and the President, City Municipal Council, Mysore and 5 copies each to the Director of Health and the Chief Engineer.

NOTIFICATION.

No. L. 8701—Ml. 203-35-5, dated Bangalore, 14th May 1936.

The following draft of the rules relating to the appointment of Engineers and Health Officers in City Municipalities which the Government propose to make, in exercise of the powers vested in them under Section 228 (2) (*c*) read with Sections 49 (*b*) (ii) and (*c*) of the Mysore City Municipalities Regulation, 1933, is published under sub-section 4 of Section 228 of the said Regulation, for the information of all persons interested. Any objections or suggestions which may be received within a month from the date of the publication of the rules will be taken into consideration by Government before the issue of the rules finally.

(1) Every City Municipal Council shall have a Health Officer and a Municipal Engineer.

(2) Such Health Officer and Engineer shall be officers lent by Government from their Health and Public Works Departments respectively.

(3) Whenever the Government intend to lend an officer to a City Municipal Council for being appointed as its Health Officer or Engineer, as the case may be, they shall intimate the name of such officer to the President. It will be open to the President and to the Council to make any representations that they may consider necessary. The Government may, after considering the representations, if any, made in this behalf by the President on behalf of the Municipal Council, issue the necessary notification regarding the posting which shall thereafter be given due effect to by the Municipal Council in accordance with law. Provided that in an emergency, the Government may issue the notification posting an officer without previous intimation.

(4) The Health Officer or Engineer lent by Government shall ordinarily hold office for a period of three years, but Government may at any time in the interests of public service withdraw any particular officer so lent and post another in his place after giving due intimation as prescribed in rule 3 above.

(5) The pay and allowances of the officers lent by Government under these rules shall be determined by Government and be borne and disbursed by the Municipal Council. Their leave, pensions, gratuities and other matters shall be regulated by the Mysore Service Regulations and the special or general orders made by Government in this behalf.

By Order,

A. V. RAMANATHAN,

Chief Secretary to Government.

Printed by the Superintendent at the Government Press, Bangalore.

(1) Every City Municipal Council shall have a Health Officer and a Municipal Engineer.

(2) Such Health Officers and Engineers shall be officers lent by Government from their Health and Public Works Departments respectively.

(3) ~~The name of the officer that~~ Whenever the Government intend to lend to a City Municipal Council for being appointed as its Health Officer or Engineer as the case may be, they shall ~~be~~ intimated the name of such officer to the President ~~as early as practicable and~~. It will be open to the President and to the Council to make ~~Government after considering~~ any representations that may Consider necessary. The Govt may, after considering the ~~the~~ any, made in this behalf by the President on behalf of the Municipal Council, ~~shall~~ issue the necessary notifications regarding the postings, which shall thereafter be given due effect to by the Municipal Council in accordance with law. Provided that in an emergency, the Govt may issue notification to post an officer, without previous intimation.

(4) The Health Officers or engineers lent by Government shall ordinarily hold office for a period of three years but Government may at any time in the interests of public service withdraw any particular officer so lent and ~~substitute~~ post another in his place after giving due intimation as prescribed in rule 3 above.

(5) The pay and allowances of the officers lent by Government under these rules shall be determined by Government and be borne and disbursed by the Municipal Council. Their leave, pensions, gratuities and other matters shall be regulated by the Mysore Service Regulations and the special or general orders made by Government in this behalf.

~~(6) Anything contrary~~

27/4/56

City Municipal Office,

No. A1-2415/35-36
Encl. one.

Bangalore, dated 14th May *19*36.

5373

From

M. SESHADRI, ESQ., M.A.,
Municipal Commissioner,
Bangalore City.

A.V. Ramanathan, Esq., B.A.,
Chief Secretary to the Government of
His Highness the Maharaja of Mysore,
Bangalore.

Sir,

Transfer of Mr. G.M. Dominick as Health Officer, Bangalore City Municipality.

With reference to correspondence ending with your letter No.7654/M1.203-35-4 dated the 7th ultimo, I have the honour to state that, the communication from the Government referred to above was considered by the Municipal Council at the Ordinary Meeting held on the 2nd instant. I am submitting herewith for the order of Government an extract from the proceedings of the meeting.

I have the honour to be,
Sir,
Your most obedient servant,

M Seshadri
Municipal Commissioner.

Memo.

Forwarded with compliments.

Honorary President.

M.M)

City Municipal Office,

No. A1-2415/35-36
Encl. one.

Bangalore, dated 14th May *193* 6.

5373

From

M. SESHADRI, ESQ., M.A.,
Municipal Commissioner,
Bangalore City.

ml 203-35-4

20 MAY 1936

To

A.V. Ramanathan, Esq., B.A.,
Chief Secretary to the Government of
His Highness the Maharaja of Mysore,
Bangalore.

Transfer of Mr. G.M. Dominick as Health Officer, Bangalore City Municipality.

With reference to correspondence ending with your letter No.7654/Ml.203-35-4 dated the 7th ultimo, I have the honour to state that, the communication from the Government referred to above was considered by the Municipal Council at the Ordinary Meeting held on the 2nd instant. I am submitting herewith for the orders of Government an extract from the proceedings of the meeting.

I have the honour to be,
Sir,
Your most obedient servant,

M Seshadri
Municipal Commissioner.

19/5.

M e m o.

Forwarded with compliments.

Honorary President.

M.M)

Proceedings of the Ordinary General Meeting of the City Municipal Council, Bangalore, held on Saturday the 2nd May 1936 at 12 noon in the Council Chamber of the City Municipal Office, Bangalore.

Present.

Rao Bahadur, B.K.Garudachar.

Honorary President.

Councillors:-

Councillors.

1. S. Venkatasamy.
2. M.L.Amarnathappa.
3. D. Thimmanna.
4. K.P. Puttaswamy Iyengar.
5. Ramalal Mitheri.
6. K.S. Ramaniah Chetty.
7. B.S. Venkatarao Chetty.
8. V.D.M. Narayan,
9. Y.N. Venkataramanappa.
10. M. Muni Venkatappa.
11. M. Parthasarathy.
12. C.V. Narasimha Rao.
13. B.A. Byanna.
14. Rajacharitavisharada Rao Saheb.
15. M. Nagavanda Rao.
16. B.K. Garudachar.
17. M.S. Sonnappa Rao.
18. A. Witherspoon.
19. K.N. Venkatanarayana Iyengar.
20. P.V. Raghava Chetty.
21. C.V. Chikkaswamy Chetty.
22. G.V. Lakshmipathi Sherif.
23. M.A. Abdul Rahman.

Officers present from Municipal Office.

Absent.

Councillors.

1. M.V. Ramaswamy Chetty.
2. M. Venkatappa.
3. H. Chikkaswamy.

Officers.

4. M.C. Mavi.
5. Jr B. Isaac.

Subject No.3.

Letter No.L.7654/ML.203-35-4 dated 7th April 1936 from the Chief Secretary to Government, that the procedure, suggested by the Municipal Council, of sending three names for making a selection for the post of the Health Officer, is highly inconvenient and unworkable, and that the transfer of Mr. Dominick must be deemed to be an appointment which the Municipal Council are required by the Government to make;

that the direction to the Municipal Commissioner not to disburse the pay of the officer cannot be supported.

After a lengthy discussion Mr. C. N. Narasinga Rao moved the following resolutions:-

(1) This Council records its sense of keen regret at the rep of Government in the matter of the appointment of the Health Officer to the Municipality. The reply totally ignores the clear provisions of the Municipal Regulation, in particular Section 234, and deliberately goes behind the principle conceded by Government itself in its previous letters.

The Council further resolved that the statement of Government in their reply that the present appointment should be one deemed to be required to be made by the Government etc., under powers conferred on it by the Municipal Regulation, is a travesty of law and the provisions of the Municipal Regulation, in as much as, none of the conditions laid down in Section 223 or 224 has been fulfilled; that Section 223 requires the Council to appoint a Health Officer to the Municipality and the Council has always been ready to appoint one. The Section does not empower the Government to thrust a particular individual on the Municipality.

Government, not having given any choice in the matter. -- though the Municipality has always been ready to appoint a Health Officer, the position now taken up by Government is neither supported by law nor reason.

The Council is constrained to observe that such orders of Government will effectively reduce the powers clearly given under the statute to the City Municipalities into a nullity and will tend to bring in a new and vicious principle that the whole City Municipalities Regulation is subject to arbitrary executive orders and fanciful interpretation of Government from time to time.

The Council therefore urges on and appeals to the Government to respect its own laws and regulations.

2. The Council views with disapproval the action of the Commissioner in disbursing the pay of the Health Officer inspite of its resolution. Such action will result in the - Council losing its confidence in the Officer.

This was put to vote and carried without any dissent.

Sd. B.K. Garudachar.
Honorary President.

C o p y.

Municipal Commissioner

PSK

19/5

L 9 3 6. d 10. 6. 36

To

The Municipal Commissioner,
Bangalore City.
(Through the President).

Sir,

With reference to the correspondence ending with your letter, No. A_1-2415/35-36 dated the 14th May 1936, forwarding the resolution of the Municipal Council, dated 2nd May 1936, in regard to the appointment of Mr. G.M. Dominick as Health Officer, Bangalore City, I am directed to refer to my letter No L. 7654 / ml. 203-35-4 dated 7 April 1936 in which the reasons for the decision of Government were fully explained. The resolution now passed by the Municipal Council, while it contains no grounds that would justify a reconsideration of the matter, is framed in improper and discourteous terms, the use of which Government must deprecate.

I have, etc.,

10-6-36

Chief Secretary to Govt.

L 9362 d 10. 6. 36

(1) Copy to Director of Health,

(2) Copy to G.M. Branch.

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

No. L 9361

Bangalore, Dated, ~~10th June 1936.~~

From

The *Chief Secretary to the Government of His Highness the Maharaja of Mysore.*

To

The Municipal Commissioner, Bangalore City.

Through The President, Bangalore City Municipal Council.

Sir,

With reference to correspondence ending with your letter No.A1-2415/35-36 dated the 14th May 1936, forwarding the resolution of the Municipal Council, dated 2nd May 1936, in regard to the appointment of Mr.G.H.Dominick as Health Officer, Bangalore City, I am directed to refer to my letter No.L.7654/Ml.203-35-4 dated 7th April 1936 in which the reasons for the decision of Government were fully explained. The resolution now passed by the Municipal Council, while it contains no grounds that would justify a reconsideration of the matter, is framed in improper and discourteous terms, the use of which Government must deprecate.

I have the honour to be,

Sir,

Your most obedient servant,

Sd. A. V. Ramanathan,
Chief Secretary to Government.

Memo No. L 9362 dt 10.6.36

Copy of the above is forwarded with compliments to the Director of Health in Mysore.

By Order,

D. Venkata Rao.

For Chief Secretary to Government.

Rmr

733.

25

OFFICE OF THE PRESIDENT,
CITY MUNICIPAL COUNCIL, MYSORE.

Dated 4th June 1936.

5658
GEN. & REV. SEC
19 JUNE 1936
L. S. G. BRANCH.

SREENIVASAN, Esq., B.A.
PRESIDENT, CITY MUNICIPAL COUNCIL,
MYSORE.

To
The Chief Secretary to the Government
of His Highness the Maharaja of Mysore,
Bangalore.

Mf 203-35-5

Sir,

With reference to your Memo No.L.8702-3 calling for the opinion of the Council in regard to the draft rules relating to the appointment of Engineers and Health Officers in City Municipalities, which the Government propose to make (Vide Notification No.L.8701/M1.203-35-5 dated 14-5-36), I have the honour to forward herewith a copy of the Council's Resolution No.462 dated 30-5-36 wherein they have expressed their opinion that the proposed rules are opposed to the spirit of the Regulation and that the existing provisions in this regard do not call for any change etc.

I have the honour to be,
Sir,
Your most obedient servant,

M S Sreenivasan
President.

Proceedings of the 27th Ordinary general meeting of the Mysore City Municipal Council held in the Municipal Office, at 4 P.M on Saturday the 30th May 1936.

Present.

M.A.Sreenivasan, Esq., B.A.,President.

1. M.K.Krishna Rao, Esq.,
2. Rao Sahib M.Ramaswamy, Esq.,
3. P.Sitharamiah, Esq., B.A.,B.L.,
4. C.Narasimhiah, Esq., B.A.,B.L.,
5. S.Krishnaswami Rao, Esq., B.A.,LL.B.,
6. A.Venkateshiah, Esq., B.A.,LL.B.,
7. A.Krishna Rao, Esq., B.A.,B.L.,
8. V.Lingappiah, Esq., B.A.,LL.B.,
9. M.C.Thammiah, Esq.,
10. K.Basappa alias Nandibasappa, Esq.,
11. D.B.Viswambhariah, Esq.,
12. M.Shankariah, Esq., B.A.,LL.B.,
13. Mahamed Ghouse Peer, Esq.,
14. K.Dhanakoti Chetty, Esq.,
15. Y.Virupakshiah, Esq.,
16. S.Linganna, Esq.,
17. M.K.Madhava Rao Powar, Esq.,
18. Rev.G.W.Sawday.

Absent.

1. Mohamed Sait, Esq., Vice-President.
2. K.N.Venkatakrishniah, Esq., B.A.,
3. H.C.Dasappa, Esq., B.A.,LL.B.,
4. W.H.Theobald, Esq.,
5. T.Mariyappa, Esq., B. A.,LL.B.,
6. A.J.Ram, Esq., L.M & S.,
7. Hussain Ali, Esq.,
8. G.Ahamad Khan, Esq.,
9. Mohamed Valiullah, Esq., B.A.,LL.B.,
10. (Vacant).
11. "

x x x

462. Letter No.L.8702-3 dated 14-5-36 from the Chief Secretary to Government forwarding, for the opinion of the Council, the draft rules relating to the appointment of Engineers and Health Officers in City Municipalities, which the Government propose to make.

Resolution- Resolved that the Council are of opinion that the proposed rules are opposed to the spirit of the Regulation. The Council doubt if the new rules proposed are in accordance with the provisions of the Municipal Regulation under which they are intended to be made and feel that the existing provisions in this regard do not call for any change.

x

Sd/-M.A.Sreenivasan.
President.

"Copy

President.

92 2/ I

City Municipal Office,

No. A1-2415/35-36. Enc. two

Bangalore, dated 3rd July *193* 6.

To

md 203-35 - 8

From

M. SESHADRI, ESQ., M.A.,
Municipal Commissioner,
Bangalore City.

CHIEF SECRETARY 4 JULY 1936

GEN. & REV. SECTT. 5 JULY 1936 ENGLISH BRANCH.

To

A. V. Narasimhan, Esq., B.A.,
Chief Secretary to the Government of
His Highness the Maharaja of Mysore,
Bangalore.

4/7/36

Sir,

With reference to your memo No. L.8702-3 dated 14th May 1936 forwarding a copy of the draft rules relating to the - - appointment of Engineers and Health Officers in City Municipalities, I have the honor to submit for consideration of Government a note embodying the opinion of the Council on the proposed rules.

I have the honor to be,

Sir,

Your most obedient servant,

M Seshadri
Municipal Commissioner.

MSR 3/7

Forwarded with compliments

Honorary President.

NG.

With reference to the Notification of the Government Order dated the 14th May 1936 containing the draft rules proposed to be made by Government relating to the appointment of Engineers and Health Officers in City Municipalities the Municipal Council of Bangalore wishes to bring the following points for the consideration of Government:-

1. On the merits of the proposals, the Council wishes to state that the first rule that every city Municipal Council shall have a Health Officer and a Municipal Engineer is unnecessary. There has been no occasion where the City Municipalities have till now showed even a tendency not to have these Officers, and they can certainly be expected to realise their responsibility so far as having these officers is concerned. If at any time they should decide on not having them, it will be for adequate reasons. It is also unnecessary in view of Section 223 which empowers the Government to require any Municipal Council to appoint a Health Officer or an Engineer. The Government under Section 224 has the power to provide for the performance of duties in default of Municipal Councils. Such a contingency has not arisen and is not likely to arise; and even if it arises it is under the above provisions fully provided for. The first rule therefore is both unnecessary and undesirable.

2. The second rule proposed lays down that " such Health Officer and Engineer shall be officers lent by Government from their Health and Public Works Departments respectively".

3. The Municipal Council wishes to state that the proposal is entirely opposed to Section 234 of the Regulation and its spirit. The principle of it is also unjustified. The proposed rule takes away the power of initiative given to the Council under Section 234. It makes the selection from the Departments concerned obligatory and does not

not provide for the contingency, when there may not be Officers in the Departments fit enough or available. It limits the scope of the choice. It is not unlikely that situations may arise when by advertising and calling for applications from persons with far Higher qualifications, candidates may be secured by the Municipality for the posts in question on lesser pay than that prevailing in the respective Departments. Such restrictions, therefore, placed by the proposed rules, will work a great hardship and are not in the interests of the City Municipalities at all.

3. The third rule proposed lays down that whenever the Government intend to lend an officer, they shall intimate the name of such officer to the President. It will be open to the President and the Council to make any representations that they may consider necessary. The Government may, after considering the representations, if any, made in this behalf by the President on behalf of the Council, issue the necessary Notification regarding the posting, which shall thereafter be given due effect to, by the Municipal Council in accordance with law.

Provided that in any emergency, Government may issue the notification posting an officer without previous intimation.

The Council wishes to state that the above rule entirely nullifies Section 234. All that is conceded by the rule is that the name of the officer will be intimated. (It is not even clear whether the intimation is to the Council or to the President.) The rule may result in conflict between the President and Council if he acts independently of the latter, and the rule is so ambiguous that it may be interpreted as giving him this power of acting independently. The appointments concerned are so important for the Municipalities that the Councils alone should have the power of making representations.

No previous approval of the Municipal Council is made necessary by this rule. The power is retained by Government either to accept or to reject the view of the Council in the matter of the selection; and in an emergency even this intimation is dispensed with.

The Council wishes to state that the choice that is given to the Councils under the rule is really no choice. Mere previous intimation and hearing representations thereo would prove of no value. The proposed rule is retrograde and against the spirit and letter of Section 234.

4. The proposed fourth rule proposes that the Health Officer or Engineer lent shall hold Office for a period of three years, but Government may, at any time in the interes of Public Service, withdraw any particular officer so lent and post another in his place, subject to rule three .

The Council wishes to state that the power retained in this rule by Government to transfer or withdraw officers at any time is not in the best interests of the Municipalities. The experience of the Council has been that officers just when they are acquainting themselves and are in a position to be of some use to the Council, are transferred and new men with little knowledge of the conditions in the City are posted. This dislocates work and makes efficient discharge of duties almost impossible. Rules 3 and 4 together make the officers look always to Government and not to the Councils.

5. The fifth rule proposed says that the pay and the allowances of these officers ~~xxxx~~ lent by Government shall be determined by Government and be borne and disbursed by the Municipal Council ~~and~~ etc.,

The Council wishes to observe that the Municipality concerned will be in the best position to determine the pay and

financial conditions. Municipalities in the Bombay Presidency and elsewhere are every day having their own officers appointed after calling for applications like the one enclosed. The Government by fixing a high pay would only cripple the Municipality concerned. The officers concerned also will owe no allegiance or care little for thier real employers, the Municipality, if they shall are made to look to Government for the fixation of their pay and allowances.

6. The rules proposed to be framed are illegal and ultra vires and take away the powers conferred on the City Municipalities by Regulation VII of 1933.

(1) The proposed rules, in so far as they stipulate that the Government have the right to select or appoint their officers Health Officers and Engineers to the Municipalities that they shall always be lent officers by from Government, and that they may in emergent cases be appointed even without previous information to the Council concerned, constitute a serious in-road on the rights of the City Municipal Councils and a thorough departure from the existing provisions of the Regulation and in particular of Sections 234 (1) and 248.

(2) Section 228 (2)(e) of the Regulation refers to only regulating the period of service and determining the conditions under which such officers and servants or any of them shall receive pensions and gratuities or compassionate allowances on retirement, or on their becoming disabled through the execution of their duties and the amount of such pensions, gratuities or compassionate allowances and for prescribing the conditions under which any gratuities or compassionate gratuities allowances may be paid to the their surviving relations on the death of such officers or servants and etc.,

(3) The power of making rules by Government, therefore, under Section 228 (2)(e) is confined to the above matters specifically stated in Section 228(2)(e). In so far as the section does not make any mention even by the remotest implication of making "appointments" rules cannot legally

be framed by Government conferring this particular power not given in the section.

(4) The power of making these appointments subject to certain conditions, is conferred especially on the Councils under Section 234 (1) and Section 234 (1) is not referred to in Section 228(2)(e).

(5) Under Section 49 (b) (ii) the power of making rules thereunder are given to the Municipal Councils and not to Government. 49(b)(ii) relates merely to the staff of officers etc., and not to the personnel thereof.

49(b)(ii)(e) is merely proceedural and should be read subject to rule 234 and no rule can legally be made under 49(ii)(e) either by Government or the Council inconsistent with 234 either by way of restricting the operation of Section 234 or by taking away to any extent the power of initiative given by that section. In so far as any rule departs from it and is inconsistent with it, it is 'ultra vires'.

49(b)(ii)(e) and 234 should therefore be read together and not 49(b)(ii(e) and 228(2)(c) as is contemplated by the proposed rules.

49(b)(ii)(e) and 228(2)(e) therefore are independent of each other and cannot be legally read together as contemplated by Government for the purpose of giving greater powers to Government.

he proposed rules are therefore 'ultra vires' of Regulation VII of 1933 and Government is not legally entitled to frame these rules contravening clear provisions of law referred to above.

The Council also wishes to state that they are themselves prepared to frame rules under 49(b)(ii)(e) and these rules may be framed in a manner satisfactory to all the parties concerned and in keeping with the history of legislation pertaihing to this matter during the past 36 years and more.

The Municipal Councils have always Health Officers and

and Engineers and they have not made any default. These officers have ordinarily been drawn from the departments of Government though there have been cases when persons have been recruited direct and appointed at least in the Bangalore City Municipality. There is thus little justification for the framing ~~the~~ ~~re~~ of rules of the kind proposed by Government, which prima facie seems not only inexpedient ~~and~~ ~~also~~ but also wholly opposed to the statute, under which they ostensibly seem to be framed. They may accordingly be dropped.

Honorary President.

SRB

Copy of the notice published in the Hindu dated 26th June 1936.

Wanted a Medical Officer of Health for the Poona City Municipality possessing the following qualifications :-

(a) Medical qualification registrable by the General Council of Medical Education and Registration in the United Kingdom.

(b) a British Diploma in Public Health or the degree of Bachelor of Hygiene of the Bombay University or the diploma in Public Health of the Calcutta University or such other equivalent Indian Diploma as may from time to time be approved by the Government of Bombay.

Age of the applicant should be below 40 years next birthday.

Good knowledge of Marathi Language essential.

He will be debarred from engaging in private practice.

He shall have to keep motor car for which he will get an allowance of Rs.100/- per month or an amount as may be sanctioned by the Municipality from time to time.

Scale of pay per month shall be -

For one holding British qualifications- Rs.300-20-500-Efficiency Bar-25-650.

For one holding other qualifications approved by Government Rs.250-15-475-Efficiency Bar-25-550.

The appointment will be on probation for one year and be subject to the approval of Government of Bombay or its delegated authority.

Applications should reach the Chief Officer, Poona City Municipality, on or before 10th July 1936.

Sd.K.A.Bhagat,

President,
Poona City Municipality.

Poona City Municipal Office,
Dated 22nd June 1936.

"Copy"

Honorary President

3E

D.O. No. L307

GENERAL AND REVENUE SECRETARIAT.

Dated, Bangalore ~~10th~~ 11th July 1936.

Dear Sir,

It is understood that you have obtained a copy of the rules regulating the transfer of Municipal Health Officers in the Madras Presidency where the service is provincialised. I am to request you to be so good as to forward the said rules for reference in this office and return when done with.

Yours sincerely,

(Illegible)

Fair draft)

Dr.P.Parthasarathi, L.M.S., B.S.Sc., L.R.C.P.,
Director of Health in Mysore,
Bangalore.

Rem

Appendix F G—1]

SUBJECT.....

.....

.....

Section

File No.

Serial No.

Diary No. of letter replied to.....

No. L 307

To Dear Sir,

It is understood that you have obtained a copy of the rule regulating the transfer of Municip. Health officers in the Madras Presidency where the service is provincialised. I am to request you to be so good as to forward the said rules for reference in this office and return ~~the~~ when done with.

Yours sincerely

10/7/36

Dr. P. Parthasarathi ~~Esq~~ - - -

Director of Health -

RMM

General and Revenue Secretariat

( )

the *193*

Date of issue..... 11-7-36

Signed by ..... Mr. B. S.

List of enclosures.....

Copied by ..... Am 11/7.

Examined by.....

WD 03601—GPB—30,000—23-9-35

No. G.T. 2169

OFFICE OF THE SECOND MEMBR. ... COUNCIL. ... 1937 NO 8744

OFFICE OF THE PRESIDENT,
CITY MUNICIPAL COUNCIL, MYSORE.

Dated 1st June 1937.

From

M. A. SREENIVASAN, Esq., B.A.,
PRESIDENT, CITY MUNICIPAL COUNCIL,
MYSORE.

5435
I

CHIEF SECRETARY, 4. JUN 1937, GOVT. OF MYSORE.

The Chief Secretary to the Government
of His Highness the Maharaja of Mysore,
Bangalore.

5 JUN ...
... GOVNR.

Sir,

I have the honour to submit herewith, for such action as may be deemed necessary, a copy of the Municipal Council's Resolution No. 611 dated 29-5-1937, to the following effect:-

"This Council views with disfavour the proposed amendment to Section 223 (i) and 234(i) of the Municipal Regulation, re: the power to appoint and select the Health Officer and Municipal Engineer as the proposal is retrograde in character and opposed to the established principles of Local Self Government and urges on the Government not to press, and the non-official Representatives in the Legislative Council not to allow the amendment to be passed".

I have the honour to be,

Sir,

Your most obedient servant,

M A Sreenivasan
President.

PER.

Submitted for perusal. This will be placed in the connected file which has been sent to the Protection Branch in connection with the proposed amendment bill to be placed before the existing Leg. meeting (June 1937).

Mark Cubbon
II Member

Secretary
5/6/37

Secretary
5/6/37

6/6/37

7.6.37

7/6/37

GOVERNMENT OF MYSORE

DEPARTMENT OF HEALTH.

326/2 37

P. PARTHASARATHY, L.M.S., B.Sc.,
L.R.C.P. & S., D.T.M., D.P.H.,
Director of Health.

'GRACE VILLE," PALACE ROAD,

*Bangalore (S. India), dated..*July...20.,.....*193*

Telephone No. 340

Telegram : HEALTH

D.O. No. P. 132-2

GEN. SECTT.
21 JULY 1936
L. & S. Branch.

Dear Mr.Venkatesa Iyengar,

With reference to your D.O.No. L.307 ated 11th July 1936, I am sending herewith the ook referred to. Page 32 and subsequent pages give the necessary information.—

Yours sincerely,

M.Venkatesa Iyengar, Esq.,M.A.,
General Secretary to the Government of
H.H. the Maharaja of Mysore,Bangalore.

Proceedings of the 30th Ordinary general meeting of the Mysore City Municipal Council held in the Municipal Office, on Saturday the 29th May 1937 at 4 P.M.

Present.

M.A.Sreenivasan, Esq., B.A.,President.

1. Rao Sahib M.Ramaswamy, Esq., Vice-President.
2. P.Sitaramiah, Esq., B.A.,B.L.,
3. C.Narasimhiah, Esq., B.A.,B.L.,
4. T.S.Rajagopala Iyengar, Esq., M.A.,LL.B.,
5. V.Lingappiah, Esq., B.A.,LL.B.,
6. G.Ramanjua Iyengar, Esq., B.A.,B.L.,
7. U.L.Ramachandra Rao, Esq.,
8. M.C.Thammiah, Esq.,
9. D.B.Visvambhariah, Esq.,
10. K.Nandibasappa, Esq.,
11. H.C.Dasappa, Esq., B.A.,LL.B.,
12. M.K.Madhava Rao Powar,Esq.,
13. T.Mariappa, Esq., B.A.,LL.B.,
14. M.Shankariya, Esq.,B.A.,LL.B.,
15. P.Gopalakrishna Setty, Esq., B.A.,B.L.,
16. K.Dhanakoti Chetty,Esq.,
17. A.J.Ram, Esq., L.M.& S.,
18. S.Linganna, Esq.,
19. Rev.G.W.Sawday,K.I.H.,
20. T.S.Ali Khan, Esq,
21. Hussain Ali, Esq.,
22. G.Lingiah, Esq.,

Absent.

1. M.K.Krishna Rao, Esq.,
2. A.Venkatesiah, Esq., B.A.,LL.B.,
3. S.Rangaramiah, Esq., B.A.,LL.B.,
4. C.Perumal Chetty, Esq.,
5. M.C.Lakshmipatiya, Esq., B.A.,
6. Mahomed Sait, Esq.,
7. H.S.Omer Sheriff, Esq.,B.A.,B.L.,

x x x

1. Resolution tabled by the marginally-noted Municipal Councillors:-

Messrs.

1. V.Lingappiah, B.A.,LL.B.,
2. H.C.Dasappa, B.A.,LL.B.,
3. T.Mariyappa, B.A.,LL.B.,
4. S.Linganna.
5. M.C.Thammiah.
6. P.Sitaramiah, B.A.,B.L.,
7. K.Dhanakoti Chetty.
8. P.Gopalakrishnasetty, B.A.,B.L.,
9. D.B.Viswambhariah.
10. C.Narasimhiah, B.A.,B.L.,
11. K.Basappa.
12. G.Lingiah.
13. G.Ramanuja Iyengar,B.A.,B.L.,
14. T.S.Rajagopala Iyengar,M.A.LL.B.
15. M.Shankariya, B.A.,LL.B.,
16. A.J.Ram and
17. M.K.Madhava Rao Powar.

"This Council views with disfavour the proposed amendment to Sections 223 (i) and 234(i) of the Municipal Regulation,re: the power to appoint and select the Health Officer and Municipal Engineer as the proposal is retrograde in character and opposed to the established principles of Local Self-Government, and urges on the Government not to press, and the non-official Representatives in the Legislative Countil not to allow the amendment to be passed".

Resolution-Carried unanimously.

x x x

Sd/-M.A.Sreenivasan.
President.

"Copy"

President.

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GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

No. P1468-75 Dated, Bangalore, 13-9- 1937

Official Memorandum.

A meeting of the Select Committee appointed to consider the bill to amend the Town Municipalities Regn. will be held in the Chambers of the Revenue Member of Council, Public Offices Buildings, Bangalore at 2 P.M. on Tuesday the 21st Sept 1937.

By Order,

Secretary to the Committee.

1) B. T. Kisanasingan Esq
2) H. V. Ramaswamy Esq
3) M. Venkatanarayanappa Esq
4) Mirza Lakshminarayanappa Esq
5) G. Krishnamurthi Rao Esq
6) S. Mahomed Imam Esq
7) Mahadeva Rao Esq
8) M. Basappa Shetty Esq

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GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

No. P1468-75 Dated, Bangalore, 13-9- 1937

Official Memorandum.

A meeting of the Select Committee appointed to consider the Bill to amend the Town Municipalities Regn. will be held in the Chambers of the Secretary to Government Member of Council, Public Offices Buildings, Bangalore at 2 P.M. on Tuesday the 21st Sept. 1937.

By Order,

9-9

Secretary to the Committee.

To 1) B. T. Kisanasingan Esq
2) H. V. Ramaswamy Esq
3) M. Venkatanarayanappa Esq
4) Sardar Lakshminarayanappa Esq
5) G. Krishnamurthi Rao Esq
6) S. Mahomed Imam Esq
7) Hanumantharaya Rao Esq
8) Nagappa Shetty Esq

/ERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat,

Dated, Bangalore, the 13th September 1937.

OFFICIAL MEMORANDUM.

A meeting of the Select Committee appointed to consider the Bills to amend the Town Municipalities Regulation will be held in the Chambers of the Second Member of Council, Public Offices Buildings, Bangalore at 2 P.M. on Tuesday the 21st September 1937.

By Order,

Secretary to the Committee

To

Report of the Select Committee on the Bill to amend the Mysore Town Municipalities Regulation, 1933.

We, the undersigned Members of the Select Committee to which the Bill to amend the Mysore Town Municipalities Regulation, 1933, was referred, have considered the Bill and have now the honour to submit this our Report.

2. Section 209 A.- After the words ' pay and ' in clause (c) of this section, the words ' allowances and discipline and ' may be added.

3. Section 209 B. - After the word 'power' in this section, the words ' of appointment ' may be added.

4. As the changes are not material, the Bill need not be republished.

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSO

General and Revenue Secretariat

No. P1476 – 83 Dated, Bangalore, 13.9. 193

Official Memorandum.

A meeting of the Select Committee appointed to consider the to be held in the Chambers of the Member of Council, Public Offices Buildings, Bangalore at on the 193.

By Order,

Secretary to the Committee

To

[illegible] Council, Dunedin, the [illegible]

[illegible].

A meeting of the Select Committee appointed to consider and report to the Council as to the best means to amend the City Municipalities Consolidation Bill will be held in the Chairman's room, Municipal Offices Building, Dunedin, at 2 p.m. on Monday the 17th day of December 1917.

By Order,

[signature]
Secretary to the Committee.

SG

Report of the Select Committee on the Bill to amend the Mysore Town Municipalities Regulation, 1933.

We, the undersigned Members of the Select Committee to which the Bill to amend the Mysore Town Municipalities Regulation, 1933, was referred, have considered the Bill and have now the honour to submit this our Report.

2. We consider that no changes are necessary except substituting the words ' it thinks ' for the words ' they think ' in ~~clause~~ subsection (2) of Section 208 A .

3. As the change recommended is only verbal, the Bill need not be republished.

Government of His Highness the Maharaja of Mysore

General and Revenue Secretariat,

Dated, Bangalore, the 14th Septr.1937

No. P 1531-8

Official Memorandum.

With reference to the O.M.No.P.1476-83 dated th September 1937 regarding the meeting of the Select Committee on the Bills to amend the City Municipalities Regulation it is intimated that the day of the meeting is to be read as "Monday the 27th September 1937" instead of "Tuesday the 27th September 1937".

By Order,

Secretary to the Committee.

Appendix F G—1]

SUBJECT .....

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Section

File No.

Serial No.

Diary No. of letter replied to.....

No. P1531-8 C. M

~~To~~

With reference to the C. M No P 1476-8-3 dt 13-9-37 in the meeting of the Select Committee on the Bills to amend the City municipalities Regn. this matter is intimated that the day of the meeting is to be read as "Monday the 27th Sep 1937" instead of "Tuesday the 27 th Sep 1937".

General and Revenue Secretariat

( )

the 193 .

Date of issue..... 15. 9. 37

Signed by ..... Mr. A.S.R.

List of enclosures.....

B. O

to 14.9

Copied by .....

Secy to the Committee

Examined by.....

To

✓B. T. Kasavarajayya Esq

✓H. V. Ramaswamy Esq

✓M. Venkatanarasappa Esq

✓Smt Lakshminarasappa

✓P. Subbarama Chetty Esq

✓C. Basappa Esq

✓Mahomed Ashraf Sahib

✓D. V. Gundappa Esq

WD 0521—GPB—30,000—12-3-37

✓Copy to C. S

✓P. S to Hon'ble Member

✓R. C Office.

G.O. D 1947
Recd 2

2nd October 1937.

Dear Sir,

I am desired to forward herewith copies of the reports of the Select Committee on the two Bills to amend the City Municipalities Regulation and to request you to return them at an early date with your approval.

Yours sincerely,

A.D. 2.10

D.V. Gundappa, Esq.,
Member, Legislative Council,
Shankarapuram, Bangaloro City.

Appendix F G—1]

SUBJECT .....

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Section

File No.

Serial No.

Diary No. of letter replied to.....

No. D. O. P 6917/Secr 2

To

Dear Sir,

I am asked to forward herewith copies of the reports of the Select committee on the two Bills to amend the City Municipalities Regn & to request you to furnish him at an early date with your approval

Yours faithfully,

28.9

D. V. Gundappa Esq

Shanbhaga Agraharam

Basavanagudi Post

General and Revenue Secretariat

(

the 19

Date of issue..... 2/10/37

Signed by ..... Dy. S. R.

List of enclosures.....

Copied by .....

Examined by.....

D. V. GUNDAPPA
Member,
Mysore Legislative Council.

2299/837 4

BASAVANGUDI P.O.
BANGALORE CITY
(SOUTH INDIA)

Dated the 12th Oct, 19

To

A. Sundararaja Rao, Esq., B.A., B.L.,
Secretary,
Mysore Legislative Council,
BANGALORE.

Dear Sir,

In returning with this, duly signed, the Reports of the Select Committees on the two Bills to amend the City Municipalities Regulation, sent to me with your D.O. letter No.P.1947 of the 2nd of this month, I request you may be so good as to submit the enclosed Note of Dissent to the esteemed Chairman of the Select Committee for sympathetic consideration.

With best regards, I remain,

Yours sincerely,

D. V. Gundappa

Enclosures: 3.

PROCEEDINGS OF THE GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

Order No. L4653 Legis 21-37-1

Secretariat. Dated, Bangalore, 10.2.1938

Ordered that the accompanying Acts to amend the Mysore City Municipality Act 1933 and the Bowring Municipality Act, 1933

which received the assent of His Highness the Maharaja, on the thirtieth day of February 1938, be published as ~~Regulation~~ Act No. III and No IV of 1938, in the *Mysore Gazette* for general information.

General Secretary to Government
~~& Legislative Departments.~~

To

The Compiler, *Mysore Gazette*, for publication in Part ~~III~~ IV of the Gazette, in English and Kannada and for supply of — spare copies in English and — Kannada ~~to this office~~, as per standing orders.

Copy to Treasurer Main Section

PROCEEDINGS OF THE GOVERNMENT OF HIS HIGHNESS
THE MAHARAJA OF MYSORE

ORDER NO. P4653 Legs 21-37-1/Secome

Dated, Bangalore, 10th February 1938.

Ordered that the accompanying Acts to amend the Mysore City Municipalities Act, 1933 and the Town Municipalities Act, 1933, which received the assent of His Highness the Maharaja on the third day of February 1938, be published as Acts No.III and No.IV of 1938, in the Mysore Gazette, for general information.

for General Secretary to Government.

To

The Compiler, Mysore Gazette, for publication in Part IV of the Gazette, in English and Kannada and for supply of spare copies in English and Kannada as per standing orders.

Order No. P. 4653—Legis. 21-37-1, dated Bangalore, 10th February 1938.

Ordered that the accompanying Acts to amend the Mysore City Municipalities Act, 1933, and the Town Municipalities Act, 1933, which received the assent of His Highness the Maharaja on the third day of February 1938, be published as Acts No. III and No. IV of 1938, in the *Mysore Gazette*, for general information.

M. VENKATESA IYENGAR,
Secretary to Government,
General Department.

ACT III OF 1938.

(*Received the assent of His Highness the Maharaja on the third day of February* 1938.)

An Act to Amend the Mysore City Municipalities Act, 1933.

Whereas it is expedient to amend the Mysore City Municipalities Act, 1933; It is hereby enacted as follows :—

1. After section 234 of the Act, the following section shall be inserted, namely :—

"234-A. Notwithstanding anything contained in this Act—

(*a*) the Government may, by notification, take power to appoint the Chief Officer, the Health Officer or the Engineer in the case of any Municipal Council ;

(*b*) the Government may, at any time, withdraw any such Chief Officer, Health Officer or Engineer and appoint another in his place ; and

(*c*) the Government shall have power to regulate the methods of recruitment, conditions of service, pay and allowances and discipline and conduct of Chief Officers, Health Officers and Engineers appointed under clause (*a*).

" 234-B. So long as a notification under clause (*a*) of section 234-A is in force, the Municipal Council in respect of which such notification is made, shall cease to

exercise the powers of appointment under sections 233 and 234 of this Act."

MIRZA M. ISMAIL,
Dewan.

(*Received the assent of His Highness the Maharaja on the third day of February* 1938.)

An Act to Amend the Mysore Town Municipalities Act, 193

Whereas it is expedient to amend the Mysore Town Municipalities Act, 1933; It is hereby enacted as follows :—

1. After section 209 of the Act, the following shall be inserted, namely :—

"209-A. Notwithstanding anything contained in this Act—

(*a*) the Government may, by notification, take power to appoint the Chief Officer in the case of any Municipal Council ;

(*b*) the Government may, at any time, withdraw any such Chief Officer and appoint another in his place ; and

(*c*) the Government shall have power to regulate the methods of recruitment, conditions of service, pay and allowances and discipline and conduct of Chief Officers appointed under clause (*a*).

"209-B. So long as a notification under clause (*a*) of section 209-A is in force, the Municipal Council in respect of which such notification is made, shall cease to exercise the power of appointment under section 209 of this Act."

MIRZA M. ISMAIL,
Dewan.